

Appeal Decision

Site visit made on 26 January 2016

by Jacqueline Wilkinson Reg. Architect IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 May 2016

Appeal Ref: APP/D0840/W/15/3138549

Land south of Pentire Green, Crantock, Cornwall TR8 5SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by W J Channing (Woking) and Sons Ltd against the decision of Cornwall Council.
 - The application Ref PA15/03202, dated 30 March 2015, was refused by notice dated 6 October 2015.
 - The development proposed is residential development comprising the erection of 30 dwellings.
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Preliminary matters

1. The Council has made reference to APP/D0840/W/15/3131932, which is an appeal against the refusal of the Council to grant planning permission for 37 dwellings on the site immediately abutting this site. This is the subject of a separate decision and I have assessed this appeal on the basis of the evidence before me relating to this proposal only, as I am required to do.

Decision

2. The appeal is allowed and planning permission is granted for residential development comprising the erection of 30 dwellings at Land south of Pentire Green, Crantock, Cornwall TR8 5SG in accordance with the terms of the application, Ref PA15/03202, dated 30 March 2015, subject to the conditions in the attached schedule.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Landscape impact

4. The village sits at a high point on the Newlyn Downs, a Landscape Character Area identified in the Cornwall and Isles of Scilly Landscape Character Study. Historically the "old" village of Crantock developed down the north slopes of the downs, towards the beach. This is where the pub, church and other historic buildings are to be found. The upper part of the village is predominantly modern development comprising bungalows, houses and a relatively new
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- estate on the south east edge. This upper part is exposed and visible from many viewpoints.
5. The fields and slopes on the south east side of the village, including the appeal site, are within the Area of Great Landscape Value. This area encompasses a great swathe of downs and coastal landscape.
 6. The appellants' Landscape and Visual Impact Assessment (LVIA) identifies the key view points and I saw the site from most of these and carried out my own assessment in the area generally. I agree with the critical viewpoints identified in the LVIA. It is clear that the proposed dwellings would be most prominently seen in views from the south and south-west, particularly view points 12, 11a, 3a, 3b and 9a. In these views the modern "upper" village is clearly visible, seen in profile above the general lay of the land. What is most noticeable from all these view points is the impact of the recent housing development on the south-east side of the village. This development is significantly higher in scale than the adjacent dwellings and the closely spaced dwellings are set along the contours, rather across them, so it dominates the skyline of the village.
 7. By contrast, the dwellings proposed on the appeal site would drop down across the contours. From view point 12 and thereabouts on the road to West Pentire, it would be seen against the backdrop of the dwellings on Trevowah Road, and its visual impact would be low, as it would be reasonably well subsumed into the profile of the existing village.
 8. From viewpoints 3a and 3b and thereabouts on the road south to Cubert, it would, once again, be seen against the profile of the existing dwellings, so its impact would be low. In view point 9a the village is seen set between two slopes, but at this greater distance the proposed development would not add significantly to the impact of the existing development.
 9. Walking is popular in the area and there is a right to roam across the common lands to the south and south-west. I accept that the development would add to the built form of the village seen from locations in these areas. However, the proposed development would not be seen as one large block and it would be reasonably well subsumed into the profile of the village in most medium and long distance views. However, given the site's close relationship to the existing village and its position on falling, lower contours, the proposed development would not significantly increase the impact of built form on the wider open landscape quality of the area.
 10. The village has an informal ragged edge, so the appeal site would not appear as an unduly isolated spur, as suggested by the Council. Whilst the Council criticises the layout as regimented, I find that there would be a reasonable variety of house types, with their ridges set at different angles and at different levels. There would be a gradation of the spacing between the dwellings from the higher to the lower end of the site and the detached dwellings at the very southern edge would be well spaced apart.
 11. I therefore conclude that the impact on the landscape character of the AGLV would be limited.
 12. I accept that trees and soft planting might be difficult to establish in this exposed location. However, it would not be essential to screen the development, but rather to soften its appearance by the use of carefully

selected planting. The site would be contained by distinctive "Cornish" hedges and their retention can be secured by a condition. The development would result in the loss of a field, but the historic field pattern would still be well defined by the retention of the boundary hedges.

13. The impact on the views from the existing dwellings around the periphery of the site is not a planning matter. Whilst views out to the countryside can sometimes be important to the character of a village, in this case I did not find that any strategic views out of the village would be affected.
14. The proposed designs use a mix of materials such as stone, slate and white render, and the quality of the materials can be secured through a condition. In particular the correct type of slate for the roof will be important, as simulated slates are often inappropriately mechanical and uniform in size and colour. The roofs would have dual pitches, which is characteristic of the area and would reflect the simple roof forms of the better quality development in the village.
15. Whilst white walls are a local feature, I take the point made that recently built larger new dwellings tend to stand out rather starkly against the soft landscape. This is because modern white paint is much brighter than soft lime wash tones that they are attempting to replicate. There are many kinds of "whites" and a more mellow version could be investigated, which could be the subject of a condition.
16. I therefore conclude that whilst some harm would be caused to the open landscape character of the area through the loss of an open field within the AGLV, there would be no material impact on the landscape character of the area as a whole. The wider setting and the character and appearance of the village would not be detrimentally affected.
17. The proposal would therefore satisfy the aims of the quoted saved policies of the Restoramel Local Plan 2001 - policy 6 *Development and design principles* which requires that new development harmonises with its surroundings by not protruding above skylines, or intruding into prominent views, policy 11, which seeks to conserve landscapes and policy 14 seeks to protect Areas of Great Landscape Value. These policies accord with similar aims expressed in the National Planning Policy Framework (the Framework), particularly paragraph 17 *Core planning principles* and Section 11 *Conserving and enhancing the natural environment*.

Other matters

Local housing needs

18. Subsequent to the appeal, the Parish Council has pointed out that a site on the Halwyn Road is currently the subject of an outline application for housing and this site is their preferred option. The Joint Crantock Position Statement, 16 June 2014, has been put before me, as well as the Council's housing officer's comments in relation to that application.
19. The Position Statement discusses a number of potential housing sites in the village. However, it is not a formally adopted policy document and as such it attracts limited weight, and I am required to deal with this application on its own merits. This proposed development would deliver 15 affordable dwellings and the submitted planning obligation would secure this. Whilst the affordable housing needs of the Parish might be satisfied by one or other of the three

sites currently under consideration or appeal, Cornwall Council cannot demonstrate that it has a five year supply of housing land, so in the wider community network area and the District as a whole there is an identified shortfall of housing land supply and a shortfall of affordable housing.

20. I am therefore required to assess this appeal in the light of sustainable development, as set out in paragraph 14 of the Framework. This states that where the development is silent or out of date, as is the case here, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I shall address this in my discussion and conclusions.

Protected species

21. Natural England has not objected to the proposal in relation to the Kelsey Head Site of Special Scientific Interest which is approximately 200m south of the site. There are protected species on the site and the appellants have submitted a revised plan showing the badger site to be retained. I am satisfied that subject to a condition requiring the work to be carried out in accordance with the mitigation recommendations in the submitted Ecological Impact Assessment, no protected species would be put at risk by this proposal.

Highway safety, living conditions, drainage, loss of agricultural land

22. A number of residents have raised concerns about the adequacy of the access road through the existing village. However, the Highway Authority has not objected on safety grounds. Occasional one-way working caused by on-street parking would be likely to reduce traffic speeds and the effect of construction traffic can be reduced by measures set out in a Construction Method Statement, which can be required by condition.
23. The views of the occupiers of the four dwellings immediately to the north of the appeal site will be substantially affected by the development and others to the west end of Carneton Close are likely to have their current views reduced. However, a private view cannot be protected under planning legislation. The proposed new dwellings at the top of the appeal site would be well spaced apart from existing properties by gardens, so I find that the living conditions in terms of aspect and privacy of these occupiers would not be harmed.
24. Surface water drainage can be the subject of a condition, through which the Council can be satisfied that no additional pressure is placed on the wider system. The question of foul water drainage is more problematic as I have a response from South West Water before me that states there is capacity to take the effluent from this proposed development, but on the basis that the adjacent development had been refused. However, this can also be dealt with by a condition, which would prevent the dwellings being occupied until adequate foul water drainage is provided.
25. Concerns have been expressed about the loss of agricultural land. However, the Council has not refused the scheme for this reason as it accepts the results of a bespoke land classification report by John Coad & Son. The report classified the land as 3b, in which case the proposal would not result in the loss of the best and most versatile agricultural land.

Contributions towards infrastructure

26. The planning obligation, as well as providing for affordable housing on the site, also commits the appellants to provide contributions towards education and open space infrastructure in the area. Notwithstanding that the Council makes the point that the appellants have not objected to making these contributions, I am still required to assess whether the contributions sought satisfy the requirements of paragraph 204 of the Framework and the Community Infrastructure Levy (CIL) Regulations, paragraphs 122 and 123.
27. The Council states that the respective primary and secondary schools serving the area are at capacity and seeks £41,040, in accordance with its document "*Guidance on Section 106 Planning Obligations for Education Provision*" 2012. This contribution would be used for the demolition of the existing temporary accommodation together with the expansion of the Cubert School. The Council states that the limit of 5 pooled schemes has not been reached for this project. I therefore confirm that the proposed contributions would satisfy the requirements of the Framework and the CIL Regulations.
28. Contributions towards the provision or improvement of off-site open space is also sought, in accordance with the *Cornwall Open Space Advice for Residential Developments* document. The Council states that the Parish Council has a project within the parish requiring funding for improvements to the Trevowah Meadows Play Area. I am satisfied that the contribution of £42,329.10 sought would mitigate the effects of the development on open spaces in the village and so comply with the tests of the Framework and CIL Regulations.

Discussions and conclusions

29. I have concluded that the proposal would cause some limited harm to the Area of Great Landscape Value through the loss of a piece of open farmland, but notwithstanding this, there would be no material impact on the wider landscape character of the AGLV. I have also concluded that the character and appearance of the village would not be harmed.
30. The appeal site is adjacent to a village with some degree of sustainability, with services in the older part of the village and a bus service to other places where services would be obtainable, especially Newquay itself. Children would have to travel outside the village to go to school and most employment would be located outside the area, so the site would not be fully sustainable in terms of location. However, the proposed development would deliver new affordable and market homes and would support the facilities in the village.
31. I therefore conclude that the proposed development would be reasonably sustainable in terms of the social, economic and environmental roles set out in the Framework.
32. In accordance with the tests set out in the Framework, paragraph 14, I conclude that the minor adverse impacts of the proposal do not significantly or demonstrably outweigh the benefits of the scheme.
33. I therefore conclude that, subject to the conditions set out below, the appeal should succeed.

Conditions

34. I have considered the Council's suggested conditions in the light of the advice given in the Framework, paragraph 206 and the Planning Practice Guidance (the Guidance). I have applied the standard time limits and a condition requiring compliance with the plans in order to provide certainty.
35. I have applied a condition to require the development to be carried out in accordance with the submitted ecological recommendations, in the interests of the protected species found on the site.
36. Notwithstanding that the officer's report identifies a need for a contamination condition, one was not included in the list. I have added such a condition.
37. I have required that samples and details of all the materials are approved, so that the Council can be satisfied that the design quality of the proposed houses is satisfactory.
38. A construction management plan will be required in order to protect the safety of local residents and reduce the impact of the construction works on them. The Council's suggested condition 13 (times of work) should be included in the approved CMP, so it is not necessary to have a separate condition.
39. I have required details of a scheme for surface water management to be approved, but have not included that the completion of the scheme is demonstrated to the satisfaction of the Council, given that the details would include a quality control procedure. However, if such a demonstration is considered essential, then it can be included in the scheme.
40. In the light of the comments from South West Water Services about the capacity of the sewage works in relation to other schemes which might come forward, I consider it prudent to impose a condition requiring satisfactory provision of foul water drainage before the occupation of the dwellings.
41. I have combined the Council's suggested conditions 6, 7 and 8. These all relate to the satisfactory provision of the access roads and junctions and should be dealt with together. I have not referred to approval under the Highways Act as this a matter for other legislation.
42. I have combined the Council's suggested conditions 9 and 10 (Landscaping, boundary treatments) into one hard and soft landscaping condition as these are best dealt with as one design exercise. To avoid small areas of poorly managed spaces, I have included details of the management of any landscaping outside the individual plots. Given their landscape and biodiversity importance, it is essential that the Cornish hedges are retained over the long term, so I have specified this in this condition.
43. I have also added a condition requiring the car spaces to be kept for the parking of vehicles, to prevent additional parking on the streets in the locality.

Jacqueline Wilkinson

INSPECTOR

Appeal Ref: APP/D0840/W/15/3138549

Land south of Pentire Green, Crantock, Cornwall TR8 5SG

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall take place in accordance with the following approved plans: SK:2012:200:05:00 - Location plan, SK:2013:330SURVEY, SK:2012:200:6:02 Rev A – Site plan with levels, SK:2012:200:08:01 - Typical longitudinal section, SK:2012:23:00:00 – Typical street scene, SK:2014:200:03:00 – House type D, SK:2014:200:21:00 – House type C, SK:2014:200:23:00 – House type A, SK:2014:200:25:00 – House type E.
- 3) The development shall take place in accordance with the recommendations, mitigations, timings and advice set out in the Phase 1 Habitat Survey by Acorn Ecology dated 22 November 2013 and the Phase 2 Ecological Impact Assessment with surveys, dated July 2015.
- 4) No development shall take place until full details of a scheme for identifying, assessing, remediating and reporting contamination on the site, to include the procedures for dealing with unexpected contamination, are submitted to and approved by the local planning authority in writing. The development shall proceed in accordance with approved scheme and procedures.
- 5) No development shall take place until details of the materials and colours to be used in the external surfaces of the dwellings hereby permitted are submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 6) No development shall take place until a construction management plan is submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved scheme.
- 7) No development shall take place until details of the estate roads and their junctions, including the line, levels and layout of the access road junction and footway, street lighting, means of access to the dwellings hereby approved and a timetable for completion is submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 8) No development shall take place until full details of the surface water drainage system, including a timetable for construction and a plan for future maintenance and management of the system, have been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained thereafter in accordance with the approved details.
- 9) No development shall take place until a scheme of hard and soft landscaping, including all boundary treatments, and the details of the protection of trees and hedges to be retained, an implementation and

replacement scheme and management of any landscaping outside the individual plots is submitted to and approved by the local planning authority in writing. The scheme shall be carried out as approved and in accordance with the approved timetables. The approved hard and soft landscaping, including the Cornish hedges, shall be retained as such thereafter.

- 10) No dwelling shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 11) No dwelling shall be occupied until the roads and accesses are provided in accordance with the details approved under condition 7.
- 12) No dwelling shall be occupied until the boundary treatments approved under condition 9 have been carried out in full.
- 13) The car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

End of Schedule