



Appeal Decision

Inquiry sitting days 18-21 March, and closed in writing 8 April 2014.

Site visit made on 19 and 31 March and 1 April 2014.

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 11 April 2014

Appeal Ref: APP/D0840/A/13/2209757

Land north of Upper Chapel, Launceston PL15 7DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management Ltd., against the decision of Cornwall Council.
 - The application Ref PA13/04056, dated 2 May 2013, was refused by notice dated 29 October 2013.
 - The development proposed is a mixed use development to provide 100 dwellings, open space and landscaping including a local equipped area of play, new vehicular and pedestrian access off Upper Chapel, extension to existing cemetery, car park and associated landscape, parking, engineering (including ground modelling) works, site reclamation (including demolition) and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use development to provide 100 dwellings, open space and landscaping including a local equipped area of play, new vehicular and pedestrian access off Upper Chapel, extension to existing cemetery, car park and associated landscape, parking, engineering (including ground modelling) works, site reclamation (including demolition) and infrastructure, on land north of Upper Chapel, Launceston PL15 7DW, in accordance with the terms of the application, Ref PA13/04056, dated 2 May 2013, subject to the conditions set out in the Annex to this decision.

Application for Costs

2. At the Inquiry an application for costs was made by Hallam Land Management Ltd., against Cornwall Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The application is for outline planning permission with access as a matter for detailed approval at this stage. All other matters are reserved for subsequent consideration.
4. At the inquiry the Council acknowledged that the submitted planning obligation made under Section 106 of the Town and Country Planning Act 1990 satisfied the Council's concerns which were the basis of the third of the

reasons for refusal for the planning application. In which case, the Council formally withdrew that reason for refusal. Accordingly, I do not need to address those concerns as a matter in dispute at this appeal.

5. I heard evidence from the witnesses and the closing submissions from the main parties over the period 18–21 March. The inquiry was not closed at that point as I was awaiting final versions of the second Section 106 planning obligation, and an electronic version of the text of the suggested planning conditions.
6. The appellants also stated that they proposed to make an application for an award of Costs against the Council, but it was accepted that this could be conducted by an exchange of written representations. Accordingly, I agreed not to close the inquiry until the Costs Application had been concluded. The exchange of written submissions was concluded on 4 April and I was able to close the inquiry in writing on 8 April.

Main Issues

7. There are two main issues in this appeal:
 - i) whether the proposed development would result in an unacceptable interference with the free flow of traffic on the local road network, with particular regard to the convenience of local residents and the users of St. Catherine's Primary School;
 - ii) whether it is inappropriate to release the site for development having regard to the housing land supply in Cornwall and the availability of affordable housing locally. Would any shortfall in housing land supply justify allowing the development irrespective of any harm to the free flow of traffic, the convenience of local residents and the users of St. Catherine's School?

Reasons

Planning policy context

8. The development plan policies relevant to the appeal scheme are those of the North Cornwall District Local Plan 1999 (NCDLP). Having regard to paragraph 215 of National Planning Policy Framework (NPPF), this local plan has to be seen as out of date and the degree of weight which can be attributed to its policies needs to be assessed against their consistency with the NPPF.
9. Cornwall Council is preparing the Cornwall Local Plan Strategic Policies 2010-2030 as a replacement for NCDLP. This document is at a fairly early stage in the preparation and adoption process, the public consultation on the preferred draft taking place contemporaneously with the inquiry for this appeal. Paragraph 216 of NPPF advises that, in view of the early stage this plan has reached, with representations made against its policies and proposals yet to be heard at an examination, it may be given only limited weight at this stage, subject to the degree of compliance with NPPF.
10. Launceston Town Council has, in collaboration with Cornwall Council, been engaged in preparing the Launceston Town Framework Plan. This has gone through several stages of assessment and local public consultation and a final

version has been drawn up, but it has not been submitted for formal examination.

Free flow of traffic and inconvenience of local residents

11. The first of the Council's reasons for refusal refers to NCDLP Policy DVS5. Sub-section 1 of this policy requires that "new development should be served by a road, pedestrian and cycle network which can adequately accommodate the proposed traffic without increasing traffic congestion or accident potential". These objectives are in accordance with the principles of sustainable development given in NPPF.
12. Access to the appeal site is via a number of routes through residential areas to the west of the town centre. The principal route (about 78% of journeys) is along Moorland Road and St. John's Road, via the traffic light controlled junction with Western Road. About 22% of journeys are via the Western Terrace/ Carboth Lane junction with Western Road and Meadowside. It is also possible to access the site via the rural lanes running north of the appeal site, which connect with the old A30 at Trebursye Oak, about 1.5 km west of the appeal site, but no statistics are given for the proportion of traffic using these lanes. This distribution of traffic is agreed between the parties to this appeal.
13. The Council's focus for concerns is the view that the proposed scheme would give rise to unacceptable congestion in Moorland Road in the vicinity of St. Catherine's School. St. John's Road, Moorland Road and Meadowside are residential estate roads, seemingly built about 40 years ago. They are generally about 5.0 metres wide – which is greater than the 4.8m width which Manual for Streets (MfS) advises is the minimum for a car and a HGV to pass each other. MfS indicates that the capacity of such roads is 10,000 vehicles per day.
14. Traffic engineering calculations submitted by the appellant, and not rebutted by the Council or the Town Council, shows that taking into account the current traffic together with that predicted to be generated by the proposed scheme, the maximum forecast peak hour two-way flow would be 350 vehicles – or an Annual Average Daily flow of 3,192 vehicles. This would be some 32% of the indicative capacity of the roads. That is, there would not be a generalised problem where the proposed scheme would lead to traffic levels exceeding the design capacity of the roads. However, there are morning and evening periods of more intensive use of Moorland Road / St. Johns Road when St. Catherine's School is open.
15. The peak periods for the school during the morning are between about 0830 and 0915, and in the afternoon between about 1445 and 1530, with parents delivering children to the school in the morning and collecting them during the afternoon. Clearly this has given rise to concern locally, with heavy levels of kerbside parking and use of spaces in residential parking courts. Concerns include obstruction of residential access points and interruption to the free flow of traffic, especially for the town bus service. The situation can be aggravated when excess parking for the police station and custody centre - which are adjacent to the school – also take up kerbside spaces on Moorland Road. However, this is the existing situation; it would only be appropriate to dismiss the appeal scheme if the net effect would be a significant deterioration in the present situation.

16. The proposed scheme would generate about 46 two-way movements during the morning peak period (0800-0900) and 40 during the period 1500-1600; that is, the proposed scheme is likely to add less than one trip per minute during these periods. Also, any children from the proposed scheme who would attend the school are highly unlikely to be taken by car; the greatest walk distance would be in the order of 400-500 metres. That is, the proposed scheme would not add to the demand for kerbside parking places in Moorland Road.
17. A lot of evidence was considered at the inquiry relating to the circumstances in Moorland Road. The situation is characterised by the Council as "congestion". No definition is put forward for what could constitute congestion. Indeed, as acknowledged on the Department for Transport website, congestion can mean different things to different people¹. However, it is generally seen to refer to unusually long queues of traffic which result in slower speeds, longer journey times, increased queuing at junctions or bottlenecks, increased stopping and starting, more time spent stationary and less predictable journey times².
18. It is undeniable that the school arrival and departure times are periods of concentrated or higher levels of activity, and that these periods are distinctly different from the more general use of these roads. I saw at my site visits (which included a rainy afternoon) that at school arrival and departure times the on-street parking extends for a considerable distance either side of the school entrance and into the residential closes and parking courts. I saw cars and mini-buses double parked and queued up at the turning area adjacent to the school entrance and parked on the marked zig-zag restricted areas either side of the entrance, but only one car parked for any appreciable length of time on the double yellow lines; nor did I see cars parked on the footways.
19. This is clearly an unsatisfactory situation where road markings set out for the purpose of safeguarding children by keeping visibility and circulation areas free are being blatantly ignored. However, there is no history of reported accidents, either personal injury to pedestrians or damage to vehicles.
20. Whereas the kerbside parking restricts the width of the carriageway to require single alternate flow working along short stretches of the road, this does not appear to give rise to significant delays. Data provided by the appellants, and not refuted by the Council, shows that maximum delays are in the order of 23 seconds. From my own observations, this does not appear to give rise to obvious expressions of frustration: the situation is seemingly accepted by those using the roads (that is, for the most part, parents of the children) on a live-and-let-live basis. I did see that the town bus was required to set down passengers in the middle of the carriageway in the afternoon, but this did not seem to be a significant problem for the driver of the bus, its passengers or other road users. These periods of intense activity are clearly a regular and predictable situation, and not unusual to just this school. I am sure it gives rise to some frustrations or irritation for road users not connected with the school, but the degree of delay is relatively short – indeed probably similar to

¹ Paragraph 1.3, *Road traffic, speeds and congestion statistics guidance*. Department for Transport web site: August 2013

² *Ibid*, paragraph 2.1

- if not less than - the dwell time on the traffic light phases at the St. John’s Road/Western Road junction.
21. I did observe one instance during the afternoon when a lorry driver was initially reluctant to take his vehicle between parked cars, but this was more a consequence of inconsiderate parking of one car, rather than a fundamental problem with road design or capacity. In the end that lorry was able to get through, with assistance, to avoid damage to parked cars. Whereas that incident cannot be overlooked, it appeared not to be typical of the traffic on that road at that time of day (the lorry had been delivering specialist earth-moving plant to a location off Upper Chapel).
22. The delays are not occurring on one of the town’s main traffic thoroughfares; the disruption is very localised and on residential estate roads. The greatest activity appears to be within a period of 15-20 minutes spanning either side of the start and end of the school day. These periods are predictable to those with local knowledge, and the period of delay or disruption is relatively short-term. That is, I do not consider that the circumstances here can be regarded as the type of congestion policy DVS5 is seeking to avoid. I am sure the periods of intensive activity in the morning and afternoon are irksome to local residents, as expressed in the written representations and by those appearing at the inquiry, but there is no compelling evidence that this is wholly intolerable or that it unacceptably interferes with the peaceful enjoyment of their homes overall. With an increase of less than one vehicle movement per minute during peak periods, I do not consider that the proposed scheme would add so significantly to the present situation that it would result in severe or serious inconvenience for local residents and users of St. Catherine’s Primary School.
23. The situation is one which already exists, but it is not unusual and applicable only to St. Catherine’s School; such problems are experienced at many schools and they are usually addressed by active management and enforcement of parking controls, traffic restrictions, or policies put in place by the school itself to encourage (amongst other matters) car sharing and ‘walking bus’ journeys from an arranged communal drop-off point. The situation in Moorland Road is clearly one which requires managing, but there appears to be little active management or enforcement at present; the road safety markings either side of the school entrance are being ignored, cars are parked opposite the turning area prevent a clear, single turning movement, and there is no signage to discourage unreasonable or inconsiderate behaviour or to assert that parking courts are for use of residents and their visitors only. This is obviously acknowledged as a problem by the Council, which has put forward its own proposed additional traffic calming and management measures.
24. The appellants have agreed to fund improvements to the situation on Moorlands Road, including the provision of a 20 space car park off Upper Chapel, which would serve both as relief for kerbside parking at school times and for visitors to the cemetery and its proposed extension at other times. There may be differences between what the Council and the appellants are proposing in terms of detailed traffic calming and highway management measures, but I see these as minor differences and points which are capable of being agreed at a technical, traffic engineering level before they are implemented. Further, the appellants have also agreed to fund a Travel Plan

which the school could initiate by involving parents to help ameliorate the situation and reduce the concerns of local residents and other road users. From the evidence given at this inquiry, such measures, whether those proposed by the Council or those put forward by the appellant – or a combination of both – should result in improvements which would be to the benefit of local residents. The improvements are likely to be over and above any required simply to deal with the net increase of traffic generated by the appeal scheme.

25. It was argued that the suggested traffic calming and management measures would themselves impinge upon the convenience of local residents, especially the extension of double yellow line restrictions. However, it was shown at the inquiry that there are more than enough off-road parking spaces for residents and their guests outside the peak times for the school.
26. The Town Council argued that the traffic assessment did not properly take into account the use of the Carboth Lane and Western Terrace junctions with Western Road. The traffic assessment does assign some additional traffic to Meadowside and hence there would be greater use of these junctions. Carboth Lane is narrow and steeply inclined, and with limited visibility to the north at the junction of Western Road. At Western Terrace the road is also steeply inclined, but the road is wider, at least for the first 20 metres or so. Visibility to the south is restricted by vegetation growing in the highway verge at this point.
27. With 22% of the increased traffic apportioned to Meadowside this could result in 10-12 additional movements through these junctions per hour at peak periods. Whilst I recognise these junctions do not conform to current highway design in terms of width and visibility, the situation is not unusual in Launceston, where there are many narrow streets with awkward corners in the town centre. That is, as acknowledged at the inquiry, local residents are familiar with the less than optimal conditions and drive and plan their routes accordingly. The Western Terrace junction is likely to take the majority of any increased use (estimated to be about 9) and the appellants have agreed to fund visibility improvements there. With no technical highway engineering evidence to demonstrate that the increased use of these junctions would be unacceptable and recognisably dangerous, I do not consider that this represents justification to dismiss this appeal.
28. I note that development of Cell A1³ (ie an area which includes the appeal site) was rejected during the evolution of the Launceston Town Framework Plan (TFP) on the grounds that it was considered to have poor access to higher level facilities and because of the problems in the vicinity of St Catherine's School and the police station. It is reported that this was the view of the "Transport Officers" at that time⁴. However that view was not supported by the evidence brought to this inquiry. Cell A1 includes land to the north of Upper Chapel and is larger than the appeal site – that is, the comments relating to Cell A1 are not directly relevant or applicable to just the appeal site. Four separate assessments of the appeal scheme by highways and traffic experts all came to the same conclusion; that the capacity of the

³ As shown at Figure 11 of *Launceston Town Framework Urban Extension Assessment*: September 2012.

⁴ As noted at Step 10 Stakeholder Discussions; *Launceston Town Framework Urban Extension Assessment*: September 2012.

highways network in this part of Launceston could accommodate the level of growth anticipated for the appeal scheme, and that the existing problems associated with the school are capable of being resolved satisfactorily.

29. Drawing all of the above points together I come to the view that, having regard to the traffic management measures proposed and the initiative to encourage the active involvement of the school in organising and educating drivers of vehicles associated with the school to behave in a more considerate manner, the net effect of the proposed development would not conflict with the purposes of Policy DVS5 and would not result in an unacceptable interference with the free flow of traffic on the local road network, with particular regard to the convenience of local residents and the users of St. Catherine's Primary School.

Housing land supply

30. The Council's second reason for refusal refers to NCDLP Policy ENV1, which seeks to protect the amenity or landscape character of the area. The wording given in the reason for refusal states that, in addition to whatever harm may be caused to local residents and school users in St John's Road, the development of this site would be harmful in that it is beyond the currently defined settlement boundary for Launceston. At the inquiry it was argued that developing beyond the defined settlement boundary in this location was seen to be unsustainable in terms of accessibility. As stated in the reason for refusal, the Council consider that there is no need for additional land releases for housing at Launceston which would justify overriding any identified harms.
31. The starting point for a decision on a planning application has to be whether it would be compliant with the development plan. The housing figures of the NCDLP derive from the now revoked Cornwall Structure Plan and, in any event, the policy only covered the period up to 2006. That is, the housing restraint policies have now arguably expired and were, in any case, based upon data collected in the late 1990s.
32. The relevance of the NCDLP is therefore limited insofar as it seeks to identify both the number of homes to be built and, by extension, the boundaries the NCDLP set for the extent of built development in Policy HSG1. Indeed, the Council has accepted the limited role of the NCDLP in that it has granted planning permission for new development to the south of the town at Hay Common and Pennygillam, both of which are beyond the previously set limits of development. That is, whereas the proposed appeal scheme would not comply with the limits of development set in NCDLP, there are material considerations which indicate that a decision can be taken which is other than in accordance with that plan.
33. The stated objective of Policy ENV1 is to protect the character and amenity of the landscape, but the Council do not put forward arguments which identify how the proposed scheme would harm the landscape, simply that it would extend development into the countryside. That would be axiomatic for any development on the edge of the town and this, of itself, cannot be taken as a substantive reason for refusal. Loss of countryside *per se* does not amount to significant harm. In this case, the site does not lie within any current or even historic area of protected landscape. It is relatively well contained in landscape terms and development here would not impinge into wide or long-distance views. The proposed development would not materially harm the

character or amenity of the countryside around Launceston – a point accepted by the Council at the inquiry.

34. The TFP identifies areas it sees as appropriate for the urban expansion of Launceston. That plan has reached a preferred option stage, but it has not progressed to an examination, either in its own right as a Neighbourhood Plan or as part of the emerging Cornwall Local Plan. It is not appropriate or desirable that any decisions on where new development could take place should be put on hold until such time as the TFP is adopted either as a Neighbourhood Plan in its own right, or as part of a forthcoming Cornwall Allocations Development Plan Document – for which there is no indication of when it might be adopted.
35. Therefore, notwithstanding the obviously detailed and methodical process which has guided the preparation of the TFP, and the degree of public involvement and local consultation which has been invested in its preparation, in terms of paragraph 216 of NPPF the TFP cannot be determinative in this appeal, and its policies and proposals have to be taken into account in the context of other material considerations. Not least of those material considerations is the requirement for the plan to be in general conformity with the strategic policies of the development plan in force. The strategic policies have yet to be established through an adopted Cornwall Local Plan⁵. Also, whereas the TFP has put forward a list of preferred (or optimised) sites for development, it does not explicitly state that other sites should not be developed, it only points out that they do not exhibit all of the beneficial characteristics of the preferred sites.
36. Having said that, the preparatory work for the TFP did include an analysis of the suitability of a number of potential sites in and around Launceston in order to accommodate the anticipated development needs of the plan period. This analysis included an area identified as Cell 1 – the eastern end of which comprises the appeal site. No environmental constraints were identified for Cell 1, including landscape protection concerns.
37. Although there is a conflict with NCDLP Policy ENV1 in that the appeal site is beyond the development boundary, taking account of the expired housing supply figures in NCDLP and the absence of any identified harm to the character or amenity of the landscape, that conflict cannot be decisive in this appeal. The appeal scheme also needs to be considered in the context of the guidance given in NPPF.

Sustainable development

38. The golden thread running through NPPF is the presumption in favour of sustainable development. The advice is that where the development plan is seen to be out of date (as it largely is in this appeal with regard to housing supply and urban restraint) permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits⁶. In which case, I turn now to consider the balance of adverse impacts against the benefits, having regard to the policies of the NPPF.

⁵ Paragraphs 007 and 009, Section 29, Planning Practice Guidance; March 2014

⁶ Paragraph 14, NPPF.

39. Paragraph 7 of NPPF identifies three mutually dependant dimensions to sustainable development; it should fulfil an economic role, a social role and an environmental role. It may be that a scheme cannot contribute to all three roles equally and a rounded view has to be taken where the contribution might be only small or even neutral for one of the roles.
40. The proposed development would perform an economic role, at least in the short term, in that it would provide employment during the construction phase, hopefully with money returning to the local economy through shops and the purchase of local services. Also, through increasing the pool of houses available for local purchasers and tenants it would contribute to an expansion of the local housing market and potentially improving the affordability of open market housing.
41. The scheme would have a very significant social role. Primarily, the scheme will bring forward 40 affordable housing units. It is agreed between all parties to this appeal that there is an acute shortage of affordable housing in Launceston, with perhaps up to 497 households on the waiting list in Launceston. The need for additional affordable housing is all the greater having regard to the fact that for the Hay Common development funding for a new school was negotiated as an alternative to a higher proportion of affordable housing. That is, the supply of affordable housing in Cornwall (20.9% over the past 12 years) has not been as great as might usually be expected for the scale of development permitted, and certainly below the 40% now looked for in the emerging Local Plan which is seen to be necessary to meet needs. I acknowledge that other schemes may come forward with a higher proportion of affordable units, but from the evidence given at this inquiry these would appear to be mostly on "exception" sites and for relatively small numbers. I do not consider that these would make a major contribution to redressing the overall imbalance and shortfall in supply (with or without the 'Band E' category of need) when assessed against the requirement set out in the emerging Local Plan policy.
42. Other social benefits are the provision of a local play area and the cemetery extension. Through the offered planning obligations, the scheme will also make a major contribution towards addressing the parking and traffic circulation concerns which are associated with St Catherine's Primary School which are clearly of concern to the local community.
43. The scheme is unlikely to have a prominent environmental role. As noted above, the work on the TFP did show that development of this area would not intrude into any protected landscape area or site with notable nature conservation interest. Inasmuch that this may potentially relieve pressure to develop sites which are more environmentally sensitive, this could be regarded as a positive role, but perhaps only a small one. A planning condition can be attached to a permission for the proposed scheme to ensure that whatever ecological interest does exist on the site it can be safeguarded as the development progresses.
44. Lengthy discussions took place at the inquiry over the relative merits of the appeal site and the preferred development areas identified as KEU3 and KEU4 in the TFP document. The early stages of the TFP work came to the view that development in Cell 1 would have poor accessibility. For this reason, it was argued at the inquiry, the development of the appeal site should be regarded

as not sustainable. However, it was pointed out that the decision not to include Cell 1 as an acceptable development site was based on the accessibility of the whole of Cell 1, not the specific area of the appeal site.

45. The appeal site is only about one third of Cell 1, and is the part of the cell closest to the present built up area, and to the town centre. Early iterations of the TFP documents noted that the cell had good accessibility to Launceston and elsewhere via the A30, it is within 800 metres of two industrial estates and (referring to the eastern end of the cell) within 400 metres of the primary school, although it was not close to higher level local services such as health facilities, a supermarket and secondary school. The overall conclusion in November 2011 was that it should not be immediately discounted, but further consideration should be given to its accessibility⁷.
46. It is not my remit in this appeal to prefer one site over another but, as discussed at the inquiry, the two TFP preferred sites (parts of Cells 13 and 14) although perhaps geographically closer to some facilities are not particularly well integrated into the present urban fabric in that the A30 dual carriageway and the straight and fast (60 mph speed limit) Link Road lie between the expansion areas and the town centre. Whilst there is a choice of routes for pedestrians and cyclists to cross the A30, I saw at my site visit that there are no easy crossing points over Link Road, at least at present. That is, it would appear to be necessary to accommodate compromises when identifying acceptable sites for future development around Launceston.
47. The appeal site does offer the opportunity for pedestrian and cycle access to the town centre without having to cross either the A30 or Link Road, albeit the 1km distance is slightly greater than the preferred 800m given in Manual for Streets. Neither is the site without reasonable access to at least a local supermarket: there is a convenience shop at the petrol filling station on Western Road, opposite Carboth Lane. There is also an established bus route - which is proposed to be extended to run through the appeal site - which offers the opportunity for an alternative means of transport to the private car. I accept that the accessibility of the appeal site is less than optimal, but neither is it so poor that it has to be regarded as obviously unsustainable. That is, although the appeal site may not have been regarded as a preferred location during the evolution of the TFP, taking account of the guidance in NPPF, overall I consider that the proposed development north of Upper Chapel can be regarded as sustainable development.

Balance of benefits

48. Paragraph 47 of NPPF states that planning authorities should boost significantly the supply of housing in their area, and that the supply should be based upon a full and objectively assessment of need. The Council is in the process of preparing a replacement local plan on which it is currently consulting before submitting it to the Secretary of State for Examination. The Council argues that, based on carrying forward the completion rates of the now revoked Structure Plan, the Council has been meeting its housing land requirements and is able to demonstrate a five-year land supply, as required by paragraph 47 of NPPF.

⁷ Launceston Town Framework Plan Steering Group: *The Assessment of Greenfield Land for Development – Cell Summaries* 18 November 2010.

49. I acknowledge that the Council claims it can demonstrate a five year land supply – or more – but that assessment is based on figures in the emerging Cornwall Local Plan and made against a calculation of housing need which has yet to be tested at examination. It is not my role in this planning appeal to pre-empt the outcome of that examination and I do not propose to enter into some kind of forensic investigation into the various assumptions, projections availability and delivery rates which were aired at this inquiry. That would not be appropriate, not least because it is likely that I would only have heard part of the arguments both for and against the Council's overall figures at this planning appeal inquiry.
50. However, I do note that significant and credible queries have been raised about the robustness of the figures currently being put forward by the Council, in that they may not be based on a proper and up-to-date evaluation of population growth, migration, economic forecasts and how those factors bear upon the household formation rate. I note in particular the possibility that there is an historic under-estimation of demand for housing, categorised as suppressed households, which will have to be taken into account in the Cornwall Local Plan. I am, therefore, unwilling to accept that the figures on which the Council has based its housing land supply calculations are sufficiently reliable at this stage of the local plan adoption process to represent the full, objectively assessed need for market and affordable housing in the housing market area, whether as a Cornwall-wide figure or as a local sub-set of that figure for Launceston, however that sub-set may be formulated or defined in a policy.
51. Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF.
52. As discussed above, there is an acknowledged acute need for affordable housing in this locality and the proposed scheme would bring forward 40 affordable units. This has to be a substantial benefit of the scheme. Other benefits of the scheme include the improvements to the traffic and parking issues in Moorland Road, and a potential increase in the supply of housing which could result in greater competition in the local market and price benefits for the community. The extension to the cemetery is another notable benefit. Also, at least for a limited period, the scheme would offer employment in the local construction industry. These benefits have to be weighed in the balance against the perceived adverse impacts.
53. In conclusion on the second main issue I consider that, having regard to the lack of an identified harm to the character and amenity of the landscape, the relatively small impacts of the scheme relating to accessibility and a small amount of additional traffic passing the school entrance at peak periods and the possible impact of that on the convenience of local residents and users of St. Catherine's School, the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits of the scheme.

Planning Obligations

54. The appellant and the Council have entered into two planning agreements made under Section 106 of the Town and Country Planning Act 1990. The first agreement confirms the proportion of housing to be made available on an affordable basis and the means of identifying occupants for those dwellings, commits the creation of the identified area of open space and the local equipped area for play (LEAP), a contribution towards costs of education provision and off-site transport improvements, and commits the transfer of land for the creation of the cemetery extension and the laying out of the associated car park.
55. The second agreement puts forward a commitment to improving the visibility at the junction of Western Terrace and Western Road, and to funding a school Travel Plan to help address the traffic and parking concerns associated with St. Catherine's Primary School.
56. It is arguable that the contributions offered to improve the on-street parking and circulation concerns in the vicinity of St. Catherine's Primary School are greater than are required to mitigate the direct consequences of the proposed development, in that they are intended largely to ameliorate a current situation, rather than one which would arise as a result of permitting this appeal scheme. However, with those reservations in mind, in the light of the discussions heard at the inquiry I consider that the majority of the offered benefits and contributions are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. On balance, therefore, I consider that the submitted planning obligations meet the tests set out at paragraph 204 of NPPF.

Planning Conditions

57. The Council and the appellants have put forward an agreed list of suggested planning conditions that could be attached to a planning permission in the event of the appeal being allowed. I have looked at these in the light of the six tests set out at paragraph 206 of NPPF.
58. There is no reason to attach anything other than the usual time limits for commencement of development and the submission of details for subsequent approval. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
59. It is necessary to ensure that the access and circulation roads and associated street lighting are laid out and installed to meet current highway safety and access requirements. In order to ensure the scheme maximises its sustainability credentials, it is necessary to require the formulation of a Residential Travel Plan to maximise the use of alternatives to the private car for journeys.
60. To ensure that development of the site does not create a risk of flooding across adjoining areas, it is necessary to ask for details of the drainage arrangements to be submitted for detailed approval.

61. In order to ensure that the development takes place with the minimum of disturbance to local residents and interference with other users of the highways it is necessary to ask for a Construction Management Plan to be submitted for approval and for that agreed plan to be subsequently complied with during the course of works taking place on the site.
62. The Framework Plan for the outline scheme indicates that existing trees and hedges could be retained as part of the landscaping of the development; it is therefore necessary to ensure that these are adequately protected both before development commences and during the course of development. There is the likelihood that the scheme could disturb local ecological interest on and around the site and it is therefore appropriate to require compliance with the mitigation works identified in the Ecological Appraisal which accompanied the original planning application.
63. I have made minor revisions to the wording of the suggested conditions either to improve clarity or to ensure the conditions meet the tests set out in NPPF.

Overall Conclusion

64. Having regard to my conclusions on the two main issues that the proposed development would not conflict with NCDLP Policy DVS5, and that the benefits outweigh a small degree of conflict with regard to Policy ENV1, the appeal should be allowed.

Geoffrey Hill

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS
(12 conditions in total)

- 1) Approval of details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval in writing before any development begins and the development shall be carried out as approved.
- 2) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

HLM025-003 Rev A	Application site
HLM025-004	Building to be Demolished
HLM025-DFP-001	Framework Plan
A073389 A 04 Rev A	Proposed Site Access with Moorland Road
A073389 A 05 Rev A	Proposed Site Access with Meadowside
- 5) Before development is commenced for any part of the development hereby permitted, details of estate roads and their junctions, cycle ways and footpaths, surface water drainage, street lighting and means of access to the proposed buildings within that part of the development, shall be submitted to the Local Planning Authority for approval in writing. The estate roads and accesses shall be constructed in accordance with the approved plans and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 6) Other than such works as may be agreed in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until a Residential Travel Plan has been submitted to the Local Planning Authority for approval in writing. No part of the new development shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented in that part of the development prior to occupation. Those parts of the approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied unless variations are submitted to and approved in writing by the Local Planning Authority.
- 7) Other than such works as may be agreed in writing by the Local Planning Authority, no development shall be commenced until details of a scheme for the provision of surface water management has been submitted to the Local Planning Authority for approval in writing. The scheme shall comprise:

- i. details of the final drainage scheme;
- ii. provision for exceedance pathways and overland flow routes;
- iii. a timetable for implementation;
- iv. a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of each part of the site the relevant parts of the scheme shall have been completed in accordance with the details and timetable agreed or such details as may otherwise be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be retained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

- 8) No development shall take place until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. The approved Statement and any variations thereto which may be submitted to and agreed in writing by the Local Planning Authority shall be adhered to throughout the construction period. The Statement shall include details of:
- i. means of access for site preparation and construction vehicles including routes to and from the site;
 - ii. the parking of the vehicles of site operatives and visitors;
 - iii. loading and unloading of plant and materials;
 - iv. operating hours (including maintenance of plant and equipment) and delivery times;
 - v. the storage of plant and materials used in construction of the development;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. any wheel washing facilities where appropriate;
 - viii. measures to control the emission of dust and dirt during construction;
 - ix. the recycling/disposing of waste resulting from demolition and construction works;
 - x. the operation of plant and machinery (including silencing and sound attenuation) associated with engineering operations.
 - xi. site security;
 - xii. the storage of fuel, oil, and chemicals used in the construction phase of the development;
 - xiii. measures to address any minor and major spillages of fuel, oil and chemicals;
 - xiv. measures to dispose of surface water run off during the construction phase including any silt/soil contaminated run off.
- 9) No development shall take place (including site clearance, felling topping or lopping of trees, or uprooting of hedges) until an Arboricultural Method Statement has been submitted to the Local Planning Authority for approval in writing. All works shall be undertaken in accordance with the approved

Arboricultural Method Statement or any variations thereto as may be submitted to and agreed in writing by the Local Planning Authority.

- 10) Other than such works as may be agreed in writing by the Local Planning Authority, before the development hereby permitted is commenced in each part of the site, details of:
- i. the form and position of fencing for the protection of retained trees and hedges in that part of the site, as are identified on plan 5162-A-04, or as otherwise agreed in writing by the Local Planning Authority in accordance with this condition;
 - ii. the installation of any underground utility services within the root protection areas of any retained trees or hedges;

shall be submitted to the Local Planning Authority for approval in writing. Such fencing shall be erected in accordance with BS5837 (or its successor) in the positions approved before the development is commenced in that part of the site and thereafter retained until completion of the relevant parts of the development. Nothing shall be stored or placed in any fenced area, nor fires lit and materials burned, nor shall the ground levels within those areas be altered without the prior written approval of the Local Planning Authority.

- 11) Prior to installation, full details of any proposed street lighting within the public realm shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be implemented in accordance with the approved details and retained thereafter unless otherwise varied by prior written approval of the Local Planning Authority.
- 12) The development shall be carried out in accordance with the ecological mitigation measures and recommendations set out in the submitted Ecological Appraisal dated April 2013 or as otherwise may be submitted to, and approved in writing by, the Local Planning Authority. The mitigation measures set out therein shall be carried out in accordance with a timetable of works that shall have been submitted to and approved in writing by the Local Planning

End of schedule of planning conditions

APPEARANCES

For the Local Planning Authority:

Mr Ned Helme of Counsel	Instructed by Mr Ben Curnow, Legal Officer, Cornwall Council
He called:	
Mr James Holman MRICS MRTPI FAAV	Principal Planning Officer
Mr Martin Cookman BSc(Hons) MRTPI	Local Planning Group Leader
Mr Andrew Long	Member of Cornwall Council
Mr Alex Folkes	Member of Cornwall Council
Mr Adam Paynter	Member of Cornwall Council

For the Appellant:

Mr Christopher Young of Counsel	Instructed by Mr Nicholas Freer, David Lock Associates
He called:	
Mr Matthew Phillip Grist BSc DipUD MCILT MIHT	Director, WYG Group
Mr James Stacey BA(Hons) DipTP MRTPI	Director, Tetlow King
Mr James Donagh BA(Hons) MCD MIED	Associate, Barton Willmore
Mr Nicholas Freer MSc MRTPI	Partner, David Lock Associates

For Launceston Town Council:

Mr Laurence Philip Osborne DipTP	Managing Director, Laurence Associates
He called:	
Mr Graham Facks-Martin MBE	Member, Launceston Town Council

Interested Persons:

Mr D R Gordon	Mayor of Launceston
Mr D Trestrail	Local resident
Mr P O'Brien	Launceston Town Councillor
Mr T Jones	St. Thomas the Apostle Rural Parish Council
Mrs M Colwill	Local resident
Mrs B Parish	Local resident

Mr B Gynn

Local resident

DOCUMENTS

Documents for Cornwall Council

- CC01 Mr Holman's proof of evidence including appendices
- CC02 Mr Holman's summary proof of evidence
- CC03 Mr Cookman's proof of evidence including appendices
- CC04 Mr Cookman's summary proof of evidence
- CC05 Mr Paynter's proof of evidence
- CC06 Mr Long's proof of evidence
- CC07 Mr Folkes' proof of evidence
- CC08 Appendix to Mr Folkes' proof of evidence
- CC09 Schedule of housing supply delivery figures, put in by Mr Cookman
- CC10 Letter withdrawing Reason for Refusal No.3
- CC11 Suggested conditions
- CC12 Judgment [2013] EWHC 3058 (Admin): William Davies Ltd and another v Secretary of State for Communities and Local Government and another put in by Mr Helme

Documents for Launceston Town Council

- LTC01 Mr Osborne's proof of evidence including appendices
- LTC02 Mr Osborne's summary proof of evidence
- LTC03 Mr Facks-Martin's proof of evidence including appendices
- LTC04 Mr Facks-Martin's summary proof of evidence
- LTC05 e-mail of 12 March 2014 re: Wainhomes Withnoe Farm site, put in by Mr Osborne
- LTC06 Schedule of Cornwall's Homechoice Applicants, December 2013
- LTC07 Copy of Ordnance Survey map extract (enlargement of 1:50,000)
- LTC08 E-mail of 12 March 2014 re: Homechoice information
- LTC09 Cornwall and Isles of Scilly LEP: Strategy and Business Plan (April 2012), and covering e-mail dated 18 March 2014

Documents for Interested Persons

- IP01 Text of statement for Mr T Jones
- IP02 Text of statement for Mrs B Parish
- IP03 Copy of e-mail dated 7 February 2014 from Mrs Parish to Planning Inspectorate

Documents for Hallam Land Management

- HLM01 Volume of Core Documents
- HLM02 Mr Grist's proof of evidence including appendices
- HLM02A Mr Grist's Rebuttal proof of evidence including appendices
- HLM03 Mr Grist's summary proof of evidence
- HLM04 Mr Stacey's proof of evidence including appendices
- HLM05 Volume of appendices to Mr Stacey's proof of evidence
- HLM06 Mr Stacey's summary proof of evidence
- HLM07 Mr Donagh's proof of evidence
- HLM08 Mr Donagh's summary Proof of Evidence
- HLM09 Mr Freer's proof of evidence
- HLM10 Volume 1 of Appendices to Mr Freer's proof of evidence
- HLM11 Volume 2 of Appendices to Mr Freer's proof of evidence
- HLM12 Volume 3 of Appendices to Mr Freer's proof of evidence
- HLM13 Volume 4 of Appendices to Mr Freer's proof of evidence
- HLM14 Mr Freer's summary proof of evidence
- HLM15 Judgment [2014] EWHC 573 (Admin): South Northamptonshire Council and Secretary of State for Communities and Local Government and Barwood Land and Estates; put in by Mr Young
- HLM16 Judgment [2014] EWHC 570 (Admin) : South Northamptonshire Council and Secretary of State for Communities and Local Government and Barwood Homes Ltd; put in by Mr Young
- HLM17 Appeal Decision 2141605 – Treceus Farm, Padstow; put in by Mr Young
- HLM18 Section 19 of Planning Practice Guidance; put in by Mr Young
- HLM19 Consent Order CO/7802/2011: Richborough Estates (Sandbach) Limited and Secretary of State for Communities and Local Government and Cheshire East Council + 5 further defendants; put in by Mr Young

Plan A.5 A073389_A_05 rev A Proposed site access with Meadowside

Supporting drawings

Plan A.6 HLM025/ILP/002 Illustrative layout plan

Plan A.7 5162-A-04 Tree and hedgerow removal plan

Richborough Estates