



Appeal Decision

Site visit made on 8 January 2019

by A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP

an Inspector appointed by the Secretary of State

Decision date: 7 February 2019

Appeal Ref: APP/D0840/W/18/3204113

Trebarwith Hotel, Trebarwith Crescent, Newquay TR7 1BZ

- 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 Trebarwith Hotel 52 Ltd against the decision of Cornwall Council.
 - The application Ref PA17/11528, dated 4 December 2017, was refused by notice dated 18 April 2018.
 - The development proposed is described as the demolition of the Trebarwith Hotel and construction of 6 townhouses, 9 apartments, a detached dwelling with associated landscaping and car parking and the change of use of No.47 and No.49 Trebarwith Crescent from hotel to residential.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed demolition of the Trebarwith Hotel and construction of 6 townhouses, 9 apartments, a detached dwelling with associated landscaping and car parking and the change of use of No.47 and No.49 Trebarwith Crescent from hotel to residential at Trebarwith Hotel, Trebarwith Crescent, Newquay TR7 1BZ in accordance with the terms of the application, Ref: PA17/11528, dated 4 December 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in July 2018, and replaces the first National Planning Policy Framework published in March 2012. As such, references to the Framework in this decision therefore reflect the revised Framework as published in July 2018.

Main Issue

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

Reasons

4. The appeal site is located close to the cliff edge and near a headland which separates Great Western Beach from Towan Beach. The site is accessed from Trebarwith Crescent and formerly the site of the Trebarwith Hotel which, at the time of site visit, appeared to have ceased trading some time before. The hotel is a well-proportioned structure set within generous grounds, with the original design appearing to have been altered by the introduction of later additions, extensions and changes to the external appearance.

5. The appeal site is in a prominent location close to the headland, with the site being visible from a number of viewpoints nearby. A former tram track, which is now used as a footpath, runs adjacent to the appeal site on its southern boundary. Towards the southeast, this footpath separates the appeal site from Hotel Victoria, a striking and dominant building and which overlooks the Great Western beach, and a non-designated heritage asset.
6. In its current state of condition, the existing hotel does not enhance the site or its setting, and there does not appear to be an objection to the site's redevelopment. The objections from the Council and local residents concern the appeal scheme's proximity to the cliff edge, its scale, height, massing and contemporary design, and its failure to reflect the character and appearance of surrounding buildings and townscape.
7. The original draft designs for redevelopment of the site were considered at meetings of the Cornwall Design Review Panel (the DRP) during October 2017. The DRP provided specific feedback on the design of the proposal, and in particular considered that the curved form of design, in combination with the overall mass and height of the proposed apartments, would mean that the development would not integrate well with the surrounding townscape. Furthermore, the DRP raised concerns regarding the roof form and height of the proposed detached dwelling which forms part of the scheme.
8. The appeal scheme's design has been considerably developed in response to the DRP's feedback and concerns. The form and scale of the main apartment block has been considerably reduced, both in terms of height and width, and with a reduction in the variety of roof planes, giving the development a more compact and pleasing form which softens its appearance. The development has been set back closer to the former tram track to the rear of the appeal site, allowing for closer alignment with other properties in Trebarwith Crescent away from the cliff edge which, in combination with the above, provides for clearer views of the surrounding townscape.
9. The highest part of apartment blocks, would be approximately 3m higher than the existing hotel. However, the staggered roof planes of the apartments towards the edges of the proposed building would mean that the overall height of the building would be reduced in comparison to the existing structure and would be more in keeping with the overall height of neighbouring and surrounding buildings. With regards to the detached dwelling, the roof ridge line height, and pitch of the roof, has been reduced in line with the feedback provided by the DRP.
10. The design of the appeal proposal is unashamedly modern in appearance, with its contemporary look reflecting modern development that can be found on prominent locations overlooking Newquay's beaches, cliffs and open spaces. The proposed design of the main apartment block would be in keeping with other forms of residential and commercial buildings nearby, with examples seen in Island Crescent and at Narrowcliff. Consequently, for the reasons above, the proposed development would appear to integrate well within its surroundings.
11. In respect of the rock bolts and mesh which would be used in the construction of the proposal, whilst I was not able to find direct comparisons along the cliff edges of Newquay during my site visit, there was evidence of other forms of stability works within the wider area. As such, given that views of such

materials would be restricted by the height of the cliff, I conclude that any harm to the appearance of the area would be minimal.

12. As noted above, the nearby Hotel Victoria is a non-designated heritage asset. In accordance with paragraph 197 of the Framework the significance of the non-designated heritage asset should be taken into account in the context of the proposed development. In this respect, and for the reasons given above regarding the scale of the appeal proposal, I conclude that the significance of the asset would be largely unaffected, with the scale and mass of proposed development appearing as subservient to the dominant and striking appearance of Hotel Victoria. However, due to the contemporary design of the appeal proposal which does not reflect the appearance of the Hotel Victoria, I conclude there would be some harm to the significance of the asset. This harm would be less than substantial, and consequently the Framework sets out the need to address less than substantial harm in a balanced manner against benefits associated with such schemes.
13. In terms of economic benefits, the proposed development would provide employment opportunities during the construction phase, with further longer term benefits being provided in terms of the spend by future occupiers with local businesses. Social benefits would also arise by reason of the contribution made by the proposed development increasing local housing supply and adding to the variety and choice of housing in the town in an area which is close to services and employment opportunities. Furthermore the proposed development would allow for financial contributions to be made in respect of affordable housing provision. I attach significant weight to these benefits of the scheme.
14. Taking all these matters into account, my overall conclusion is that the significant public benefits of the proposal would, on balance, outweigh the very limited harm that would be caused to the significance of the non-designated asset. Taking the above reasons into account, I therefore conclude that the proposed development would comply with non-designated heritage asset protection aims contained within the Framework.
15. For the above reasons, I also conclude that the proposed development would represent a sustainable form of development, for which there is a presumption in favour for provided under Policy 1 of the Cornwall Local Plan Strategic Policies 2010 – 2030¹ ('the Local Plan'). The appeal scheme would integrate well within its surroundings and, given the variety and mixture of traditional and contemporary building styles in this part of Newquay, there would be no harm to the character and appearance of the surrounding area. Accordingly the proposal would accord with Policies 2, 12, 21 and 23 of the Local Plan which, amongst other things seek to ensure that the local distinctiveness and character of the area is protected, and that development responds appropriately to its landscape setting. Furthermore the appeal scheme would comply with paragraph 127 of the Framework which provides the requirement for developments to be of high quality design which is sympathetic to the character of the area. Finally in this regard, whilst I have regard for the Newquay Neighbourhood Development Plan, it has not been adopted and consequently I have only attributed limited weight to this document in the determination of this appeal.

¹ Adopted November 2016

Other Matters

16. Concerns have been raised by interested parties with regard to the effect of the proposed development on erosion and the stability of the cliff face. In this respect, I have not been provided with any substantive evidence which demonstrates that the proposal would adversely affect the stability of the cliff face or would lead to erosion of the coastline. On the contrary I have been provided with evidence from the appellant that demonstrates that the stability of the cliff would be unaffected.
17. It has further been put to me that the proposal would result in overlooking and loss of privacy. However, I conclude that due to the separation distances between the proposal and its neighbours, there would be no harm arising from the appeal scheme with respect to loss of privacy.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include conditions requiring details of any landscaping, external lighting and external finish, be agreed with the Local Planning Authority, in the interests preserving the character and appearance of the surrounding area.
19. In the interest of highway safety and public convenience, I have included a condition requiring details of Construction Management Plan be agreed with the Local Planning Authority prior to commencement or any works at the appeal site.
20. In addition to the above, and in the interests of protecting the environment, I also find it reasonable and proportionate to include a conditions requiring that details of the drainage system and foul water disposal, details of the proposed cliff stabilisation works and details of a contaminated land risk assessment, be approved by the Local Planning Authority.
21. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance. The wording of the pre-commencement conditions, have been agreed by the appellant.

Conclusion

22. For the reasons given above, the appeal succeeds and planning permission granted subject to conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2) The development hereby approved shall in all respects accord strictly with drawing numbers: Proposed LDS2492-003 C, Proposed LDS2492-011 C, Proposed LDS2492-105 C, Proposed LDS2492-106 C, Proposed LDS2492-107 C, Proposed LDS2492-108 A, Proposed LDS2492-109 B, Proposed LDS2492-301, Proposed LDS2492-302, Proposed LDS2492-303 C, Proposed LDS2492-304 A and Proposed LDS2492-305 received by the Local Planning Authority 28 March 2017.

3) No development including demolition shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include details for all of the following:

- Details including plan showing location of the contractor's compound and site office(s);
 - Details including plan showing location of building material storage;
 - Details including plan showing the location of parking for contractor's and visitor's vehicles;
 - Details including plan showing the location of loading / unloading areas for deliveries to the site(s);
 - Details of the route for all construction vehicles, parking and waiting areas for construction vehicles and deliveries to / from the site for the duration of the construction process;
 - Details and management schedule for vehicle wheel cleaning regime upon exiting the site(s) onto a public highway for the duration of the construction process;
 - Details and management for escorting construction traffic through the adjacent residential estates for the duration of the construction process;
 - Details and controls site wide for managing Dust over the duration of the construction process;
 - Details of all permits, contingency plans and mitigation measures that need to be put in place to control the risk of pollution to controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site.
- Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

4) No demolition or construction work including deliveries of plant or materials; use of machinery or power tools on site shall take place between 08.00 hours to 18.00 hours Monday to Friday; 08.00 hours to 12:00 hours on Saturday and no workings on Sundays and Bank Holidays.

5) Prior to commencement of development, technical plans and written details setting out surfacing, lighting, barriers or gates, and CCTV of the car parking areas and access thereto subject of this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and maintained thereafter to the satisfaction of the Local Planning Authority.

6) No development approved by this permission shall be commenced until the following details are provided:

- A description of the foul and surface water drainage systems operation;
- Details of the final drainage schemes including calculations and layout;
- Confirmation from South West Water Ltd that the foul network has sufficient capacity to cater for this development;
- A Construction Surface Water Management Plan;
- A Construction Quality Control Plan;
- A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
- A timetable of construction;

Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

The foul and surface water drainage systems shall be in accordance with the pdp Green Consulting Ltd Drainage Strategy Ref J17-054 Rev C dated July 2017.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change. Flows discharged from the site will be no greater than 3 l/sec for all rainfall events.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

7) No development, other than the demolition of any buildings or structures shall commence on site until final detailed specifications of the external finishing materials are submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be used in the construction of the development subject of this permission.

8) No development other than the demolition of any buildings or structures shall commence until detailed specifications for hard and soft landscaping of the site including plans showing schedule of external surfacing; lighting; drainage; and planting schedule including species mix, number of plants and maintenance regime are submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be used in the construction of the development subject of this permission. External areas of hard and soft landscaping shall be completed prior to occupation of the first dwelling. Any planting that dies or is vandalised shall be replaced with the same or similar species within the next planting season. All planting will be maintained for a period of five years.

9) No development, other than the demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land

practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a survey of the extent, scale and nature of contamination;
- the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

10) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

11) The approved remediation scheme in condition(2) shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.

12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

13) Prior to the demolition of the hotel a reclamation scheme of materials and key features for re-use in other historic buildings off site shall be submitted and approved by the Local Planning Authority. The reclamation scheme shall be implemented in accordance with the approved details.

14) Prior to commencement of the development hereby approved a formal scheme for cliff stabilisation including a monitoring schedule and timetable for the implementation of the works shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance the approved scheme.

15) The development hereby permitted shall incorporate all ecological mitigation measures in the Brooks Ecological Appraisal dated August 2017. The mitigation measures set out therein shall be completed before occupation of the penultimate dwelling.

16) From the date of the commencement of the development hereby permitted the existing hedgebank along the boundary of the site with Bothwicks Road shown hatched on approved drawing no. LDS 2492/011 'Proposed site sections' shall be retained to the height as shown on the plan and shall not be removed or cut below this height.

Richborough Estates