



Appeal Decision

Hearing Held on 26 February 2019

Site visits made on 25 and 26 February 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2019

Appeal Ref: APP/D0840/W/18/3203982

Carnmarth Hotel, Headland Road, Newquay, Cornwall, TR7 1HN.

- 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 S J A Estates against the decision of Cornwall Council (the LPA).
 - The application Ref. PA17/08898, dated 19/9/17, was refused by notice dated 19/2/18.
 - The development proposed is the regeneration of existing hotel site with the construction of a mixed use development consisting of 65 residential apartments and a A1/A3 shop/café facility with associated works to include parking provision, drainage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the LPA's determination of the application amended plans were submitted in an attempt to overcome the concerns that had been identified by the planning officer in respect of overlooking and privacy for some neighbouring residents. Interested parties were not notified of these amended plans and they were not taken into account by the LPA at that time.
3. Following the submission of the appeal, interested parties were notified of the amended plans and afforded an opportunity of commenting upon them. No party is likely to be prejudiced if I was to take the amended plans into account. I have therefore determined the appeal accordingly.
4. I note from the Statement of Common Ground (SoCG) that has been agreed by the appellant and the LPA that, amongst other things, the amended plans overcome the LPA's concerns regarding the overlooking of some neighbouring properties and the loss of privacy for some residents. I have taken the SoCG into account in framing the main issue and in determining the appeal.
5. The appeal site forms part of the setting of the Grade II listed 1920s war memorial known as The Beacon¹. As a consequence, the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. The main parties agree that the proposals would result in less than substantial harm to the significance of this designated heritage asset. At the

¹ It also forms part of the settings of the Grade II listed Newquay Golf Club and The Headland Hotel. There is no cogent evidence to demonstrate that the site contributes to the significance of either of these listed buildings or that the proposal would do anything other than preserve the settings of these designated heritage assets.

Hearing the main parties also agreed that the Carnmarth Hotel was a non-designated heritage asset.

6. The appellant has submitted an Agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). Amongst other things, this includes financial contributions towards: the off-site provision of affordable housing; educational facilities at Treviglas School; highways; off-site public open space and; monitoring and mitigation within the Penhale Dunes Special Area of Conservation (SAC). If I was to allow the appeal it would be necessary to assess these obligations against the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework), as well as the relevant provisions of the Community Infrastructure Levy Regulations 2010.
7. I closed the Hearing in writing on 12 March 2019.

Main Issue

8. The main issue is whether the public benefits of the proposal would outweigh the less than substantial harm to significance of The Beacon, the demolition of a non-designated heritage asset (Carnmarth Hotel), as well as any adverse impacts upon the character or appearance of the area.

Reasons

Planning Policy

9. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP), which was adopted in 2016. My attention has been drawn to numerous policies. At the Hearing, the main parties agreed that the most relevant policy to the determination of this appeal was LP policy 12 (design).
10. Whilst not forming part of the development plan, my attention has been drawn to the Newquay Neighbourhood Development Plan Document (NP). The Examiners Report was received in November 2018, wherein it was found that the NP, subject to recommended modifications, could proceed to Referendum.
11. At the Hearing, the Town Council's representative informed me that it had been agreed to adopt all of the Examiner's recommendations and to proceed to Referendum, which could take place in early April 2019. I agree with both main parties that the NP can be given moderate weight².
12. The following NP policies are of most relevance: G2 (development principles), D1 (key design principles), D2 (scale and location of development), HC1 (protection of the built heritage) and LE4 (protection of views and vistas). The appeal site lies within the Towan Head and Fistral Beach Character Area (THFBCA) and is outside the Towan Head and The Beacon Valued Landscape.
13. The Framework is an important material consideration that carries considerable weight. Amongst other things, it recognises the importance of the Neighbourhood Plan process and the need to create high quality buildings that are visually attractive as a result of good architecture.

² The Inspector who determined an appeal on another site in Newquay (ref. APP/D0840/W/18/3215125) gave the NP significant weight. Moderate weight is not an insignificant amount of weight.

Public Benefits

14. The proposed development would increase the choice and supply of housing within the district and the affordable housing contribution³ would help to meet the acute housing needs of the local community.
15. During the building phase, the development would help support the construction industry, including providing employment opportunities. There would also be some very limited employment provision arising from the proposed shop/café. Upon occupation, the development would result in an increase in Council Tax payments.
16. The proposal would also result in the more efficient use of previously developed land for housing in preference to the development of a greenfield site. The provision of some bird and boxes as part of the appeal scheme could result in some very modest enhancements to biodiversity.
17. The totality of the public benefits of the appeal scheme can be given considerable weight in the overall planning balance.

Less than Substantial Harm

18. The Beacon is situated on rising ground approximately 85 metres from the appeal site and is a local landmark. Its heritage significance is derived primarily from its architectural interest, which includes an elegant Latin cross set on a granite cairn, as well as its historic interest as a memorial to the tragic impact of the two World Wars and other subsequent conflicts.
19. The appeal site forms part of the extensive setting to The Beacon. The distant views of the Latin cross from the south west and over the existing hotel building contribute to the significance (historic interest) of this designated heritage asset. These help to reveal/remind people of the sacrifices made by the local community as a consequence of various wars since the early 20th century. Other distant views of the listed building are available and the setting of this asset has changed over time⁴. Nevertheless, the views from the south west make a positive contribution to the heritage interest of this memorial.
20. The proposed apartment building would block distant views of The Beacon from the south west. This would diminish the ability to experience the historic landscape setting of this listed building and, to a limited extent, erode an appreciation of the impact of global conflicts on the local community. I agree with both main parties that, in the context of the Framework, it would result in less than substantial harm to the significance of this designated heritage asset. The proposal would be at odds with the aims and objectives of NP policy HC1.
21. If there was a sliding scale within the category of less than substantial harm the impact of the proposal would probably be somewhere between a low end and a mid-point. However, less than substantial harm to a designated heritage asset does not equate to a less than substantial objection in the planning balance. This harm weighs considerably against granting planning permission.

³ I could only take the other financial contributions into account if they were necessary to make the development acceptable, directly related to it and fairly and reasonably related in scale and kind. If this was the case these contributions would not comprise benefits to be weighed in the overall planning balance. Furthermore, all new housing schemes are required to promote sustainable forms of transport and include high quality landscaping.

⁴ This includes the redevelopment of some neighbouring sites, such as the buildings known as Rocket and Zinc.

Loss of a Non-Designated Heritage Asset

22. The Carnmarth Hotel was built in about 1906. Over time, it has undergone significant changes and alterations. Nevertheless, as noted within the appellant's Heritage Statement and Heritage Impact Assessment (HIA), it is possible to determine its historic form and chronology of development.
23. This non designated heritage asset, which has a modest gothic revival style with elements of arts and crafts, holds a modest aesthetic value within the wider Newquay townscape. It reflects the early 20th century urbanisation of this part of Newquay and the town's transformation into a fashionable resort destination. The design of the building may have been influenced by Silvanus Trevail who designed the late 19th century Atlantic and Headland Hotels. I note from the SoCG that it is agreed that the hotel holds moderate historic value.
24. As set out within the HIA, the proposed demolition of the Carnmarth Hotel would further distance the Headland Road built environment from its late 19th century/early 20th century incorporation into Newquay's urban expansion. The loss of this Edwardian building would be "*regrettable*". This adds some limited weight to the argument for not granting planning permission.

Character and Appearance

25. This 0.2 hectare site lies on the northern side of Headland Road, at the junction with the minor road leading to Towan Headland. It overlooks Newquay Golf Course and Fistral Beach (to the south and south west) and The Beacon lies to the rear (north east). There are some substantial neighbouring modern apartment blocks, such as the five and a half storeys Rocket building (to the west) and the five storeys Azure apartments and Zinc to the east.
26. Headland Road is prominent within the local townscape/seascape⁵ and the site can be seen from many parts of the public realm. This includes sections of public rights of way, such as those which bisect the golf course and others to the south west⁶. As noted within the appellant's Landscape and Visual Impact Assessment (LVIA), there are clear views to the appeal site from the north, north west, south west and south east. From these locations the site is seen by high sensitivity receptors.
27. As set out within the SoCG, Headland Road displays a variety of residential apartment buildings of varying styles, heights and designs. Over the last 15 years developments within the street have resulted in a change in scale and loss of much of the Victorian/Edwardian character. I agree with the main parties that the re-use of the appeal site for a mix of commercial and residential uses would be appropriate. A high quality contemporary designed building that respected the height and scale of its neighbours would be fitting.
28. The elliptical form and height of the Rocket development, together with its decorative facade and the space around this building afford it a degree of

⁵ The site lies within the Newquay and Perranporth Coast Local Landscape Character Area, as defined within the Cornwall and Isles of Scilly Landscape Character Study (2008). This is an exposed coastal landscape that attracts a large number of tourists and surfers. Its key landscape characteristics include an open and exposed landscape. Headland Road and The Beacon are identified as important characteristics of the area within the Newquay Character Study (NCS), which forms part of the NP.

⁶ These include the South West Coast Path.

prominence within the street scene of Headland Road. It is an attractive⁷ piece of architecture, which the Design Review Panel (DRP) has described as having "object status". Another building with 'object status' in the street is the late 19th century Headland Hotel (3 storeys with attic). This very large building occupies a prominent position on Towan Head and is set well apart from its nearest neighbour. To the north east of the appeal site and occupying an elevated position in Dane Road is the very large Atlantic Hotel.

29. The proposed seven storey building would be approximately 4.3 metres taller than the Rocket and 6.4 metres taller than Azure. At its closest, it would be 7.2 metres from the Rocket. This contemporary designed new building would include a central atrium space and the massing along the southern elevation would be broken up into three distinct blocks. It would provide an active frontage at street level and would be finished with a mix of gold and white metal cladding with stone cladding on the lower floor. In an attempt to reduce its visual impact, the upper two storeys would be set back and finished in a contrasting material (glass cladding). The appellant's architect has given thoughtful consideration to many aspects of the proposed design.
30. However, whilst I have noted that there is some variation in the height of buildings within Headland Road, much of the appellant's justification for this new seven storey building is based on an "*Established building height line*" that has been derived from the high point of The Fistril Blue apartment block to the west and the taller Atlantic Hotel to the east. From many viewpoints the appeal site is seen in the context of the Atlantic Hotel. Nevertheless, this late 19th century building does not lie within Headland Road and it is not seen in some other important public views of the appeal site, including some viewpoints from the south west. Furthermore, if the appellant's justification was accepted as an appropriate building height line it would risk compromising the 'object status' of the Rocket building and be at odds with the key design principles for the THFBCA that are set out within the NCS/NP.
31. The shoulder height of the appeal building would be comparable to the Rocket and Azure. However, even with the proposed set back and use of large areas on glazing on the upper floors, the proposal would be appreciably taller and bulkier than these neighbouring buildings. This would be especially apparent in views from the south west where the appeal building would extend markedly above the height of its nearest neighbours and would sit uncomfortably within the row of buildings in Headland Road.
32. Whilst the proposed building would not significantly change the character of the landscape/seascape, as recognised within the LVIA, the significance of visual effects (after the construction phase) would be "*(Negative) Moderate*". I agree with the LPA, the Town Council and some other interested parties that the height and mass of the proposed building would intrude into views across this coastal landscape and unduly increase the presence of buildings in Headland Road and be detrimental to the appearance of the area.
33. The height and mass of the proposed building and its proximity to the Rocket building would also dilute from the quality of this existing building and diminish the pleasing contribution it makes to the street scene of Headland Road and this area of townscape. I share the concerns of the DRP that the 'objecthood'

⁷ Whilst the building was shrouded in scaffolding during my visits I have been provided with numerous photographs and other illustrative material. I note that the appellant's architect was also involved in that scheme.

of the Rocket building is not adequately recognised or responded to by the proposals. Moreover, by extending towards the Rocket the proposal would further diminish the presence of this existing building within the street scene.

34. I note the appellant's argument that reducing the scale of the proposal would not achieve a satisfactory design solution. In this regard, the submitted sketch that shows two storeys removed from the appeal scheme would indeed be an inappropriate response. However, this is not to say that a building of a different design, which is more respectful of the Rocket and the scale of other buildings in Headland Road and that had greater regard to the provisions of the NP, would not comprise high quality design.
35. The proposed development by virtue of its height and mass would detract from the appearance of the area and would not amount to high quality design. It would conflict with the provisions of LP policy 12, NP policies G2, D1(2), D2, LE4 and the design objectives of the Framework. This weighs heavily against granting permission.

Other Matters

36. The proposed development would change the outlook for some neighbouring residents and there would be some overshadowing of neighbouring properties during parts of the morning and early evening. However, the proposed building would be set back and the mass broken up so as to avoid any overbearing or oppressive effect for neighbouring residents. The shadow casts would not be so great as to result in any serious loss of sunlight.
37. The amended plans include the reconfiguration of the balconies on the fifth and sixth floors of the proposed building, the use of angled louvres over some of the facing windows, a reduction in size of the terraces on the seventh floor and the use of planters. This would reduce the potential for overlooking of neighbouring properties and avoid any significant overlooking/loss of privacy.
38. At the Hearing, the main parties agreed that a planning condition could be used in respect of the proposed balcony for plot 60. This would further limit the risk of overlooking. Whilst the proposed development would result in some overlooking of neighbouring properties the loss of privacy for those living alongside would not be so great as to justify withholding permission.
39. The proposed development would increase vehicular traffic along Headland Road and some neighbouring streets. Notwithstanding the convenient access to public transport services, I note from the representations made by some local residents, as well as my experience of previous visits to Newquay, that during the summer months the large influx of visitors to the town can result in some traffic and car parking issues. The proposed development would include provision for 65 car parking spaces, which would fall below the standard contained within NP policy H4.
40. However, the LPA's transport/highways officers, who are familiar with traffic and parking in the town, are satisfied that the development includes adequate car parking provision. The risk of vehicles parking along Headland Road when nearby public car parks are full could be reduced by enforcing existing on-street parking restrictions. In addition, the proposal includes provision for cycle parking, as well as a financial contribution towards the Newquay Town Transportation Strategy Area. There is greater force in the appellant's

argument that permission should not be withheld on parking or traffic grounds. I note that the LPA did not raise a highways objection.

Planning Balance / Overall Conclusion

41. When all of the above are weighed together, I find that the public benefits of the proposal would not outweigh the less than substantial harm to significance of The Beacon, the limited harm arising from the demolition of the Carnmarth Hotel as a non-designated heritage asset, the adverse impacts upon the appearance of the area and the conflict with the LP, NP and the Framework. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

APPEARANCES

FOR THE APPELLANT

| | |
|------------------|--------------------------------|
| Mr N Taylor | Planning Partner, Carter Jonas |
| Mr I Sanders | AWW Architects |
| Mr J Barnes | Silverlake Design |
| Mrs P Hawes CMLI | MeiLoc Landscape Architects |
| Mr W Hatfield | Owner of the Carnmarth Hotel |

FOR THE LOCAL PLANNING AUTHORITY

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|--------------------------------|----------------------------|
| Mr P Banks DipTP, MRTPI | Principal Planning Officer |
| Mr J Holman MRICS, MRTPI, FAAV | Principal Planning Officer |

INTERESTED PARTIES

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|------------------------------|---|
| Cllr J Kenny | Member of Cornwall Council and Newquay Town Council |
| Mr D McLeod | Newquay Town Council |
| Mr R Dodge BSc (Hons), MRTPI | Representing owners of the Rocket and the owner of the Penthouse, Azure |
| Mr D Brumpton | Resident |
| Mr J Hatton | Resident |
| Mr P Heeley | Resident |
| Ms J Mason | Resident |
| Mr S Cleal | Resident |

DOCUMENTS SUBMITTED AT THE HEARING

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|------------|--------------------------|
| Document 1 | Completed S106 Agreement |
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Document 2
Document 3

A3 version of plan ref. 3841 301 Rev B
Suggested wording of planning condition
in respect of proposed balcony for plot
60

Document 4 (*submitted during the
adjournment*)

LPA's comments in respect of the SAC
contribution and a copy of appeal
decision ref. APP/D0840/W/18/3215125
Appellant's response to the LPA's
comments

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