



---

## Appeal Decision

Site visit made on 9 September 2014

**by Simon Hand MA**

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

**Decision date: 15 September 2014**

---

**Appeal Ref: APP/D0840/A/14/2214174**

**Land adjacent to Trethurffe, Ladock, Truro, Cornwall, TR2 4PJ**

- 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 Mr and Mrs DJ and EH Denning against the decision of Cornwall Council.
  - The application Ref PA13/02134, dated 17 September 2013, was refused by notice dated 4 November 2013.
  - The development proposed is cross subsidy residential development comprising 10 affordable and 9 open market dwellings and associated access and amenity space.
- 

### Decision

1. The appeal is allowed and planning permission is granted for cross subsidy residential development comprising 10 affordable and 9 open market dwellings and associated access and amenity space at Land adjacent to Trethurffe, Ladock, Truro, Cornwall, TR2 4PJ in accordance with the terms of the application, Ref PA13/02134, dated 17 September 2013, subject to the conditions in the attached annex.

### Application for costs

2. An application for costs was made by the appellants against Cornwall Council. This application is the subject of a separate Decision.

### Main Issue

3. The impact of the proposal on highway safety

### Reasons

4. The site occupies part of a field which sits in the angle to the east of Trethurffe and south of an unnamed country lane. The centre of the village would appear to be around the cross roads of the unnamed lane and the B3275 to the west of the site, but it also straggles along various lanes, including the unnamed lane, which has the church and school on it and Trethurffe, which is generally built up with housing. By any reasonable estimation the site lies outside the village.
5. The Council have been generally supportive of the development, but it was refused by the planning committee for the single reason of highway safety. Of particular concern is that the unnamed lane and Trethurffe are both narrow and provide access to the school. There will thus be an increased conflict between

- pedestrians, especially those bringing and collecting children with vehicles from the site.
6. Both roads are narrow and there are no footpaths in the vicinity of the junction where they meet although Trethurffe widens out which allows cars to park along one side. They are clearly well used by pedestrians and horse riders. I witnessed both at my site visit and earlier when I saw various parents arrive to pick up their children from the school. Various third parties have also opposed the development and point to the excellent safety record at the moment and how low-key traffic movements are, enabling pedestrians and vehicles to co-exist quite safely. They fear this will be put at risk by the development.
  7. Access to the development would be from the unnamed lane, some way from the junction with Trethurffe. There is also a pedestrian access proposed which cuts the corner allowing people to enter Trethurffe without using the junction. Traffic leaving the development would have the option of heading east along the unnamed lane towards the A3058 some miles away, or soon after leaving the site cutting up another lane towards the B3275, which would be the preferred routes for those travelling north and east. To head anywhere else would involve going down Trethurffe, as the unnamed lane give access for vehicles only to the school and church (and a few other buildings), after which bollards prevent vehicles from reaching the cross roads with the B3275. The same is true in reverse for those visiting or returning to the site. It is highly unlikely that anyone would drive the very short distance from the site to the school or church.
  8. The appellants' traffic figures show there are likely to be 10 vehicle movements in the morning peak period (8-9am) and 12 in the afternoon peak. Some of these would travel away from the village, others would use Trethurffe. In any event this seems a very small number of additional movements. The appellants speculate that the morning, rather than the afternoon, peak is the most likely to conflict with children going to school, which seems reasonable, but even then, vehicles at either end of the time period would have little chance of conflict. Although the roads are narrow, there is generally plenty of space for a single vehicle to pass pedestrians both in Trethurffe and the lane by the school. As the entrance to the development would be by the junction, traffic speeds are also likely to be slow – the appellants' figures show currently they are 19mph for traffic approaching the entrance to the site from the west and 25mph approaching from the east. They are likely to be slower still along Trethurffe Road. I can see no reason why the current safe sharing of this space should not continue with the modest increase in traffic proposed. The Council have provided no evidence of their own to cast doubt on the appellants' figures.
  9. I have been given photographs of the road conditions, children playing in the road, horses being ridden and cars trying to squeeze past. This seems little different to the situation in many country villages and there is no reason why, with the likely slow speeds of traffic using the junction and only a modest increase in traffic numbers, there should be any reduction in the current excellent safety record.
  10. Consequently, I do not consider the proposal would be likely to lead to any harm to pedestrian safety and so would not be contrary to the saved policies of the Carrick Local Plan or section 4 of the Framework.

## Other Matters

11. Development of the site would extend the village into the countryside but this would be only a minor infringement. The site is favourably located for access to the local school and other facilities of the village, including the pub. In particular paragraph 55 of the Framework suggests that in rural areas new housing should be located where it would enhance or maintain the vitality of rural communities and this seems to be one such location.
12. Flooding has also been mentioned as an issue by local people, and the site is set up higher than Trethurffe. However, any approval would be subject to conditions requiring a sustainable drainage system that would ensure run-off from the site is no worse than currently and may even be less, leading to an improvement. An alternative site in the village has been mentioned but I have no information about that and it is not before me.
13. The need for more affordable housing has been raised. It is unusual, particularly in a rural location, to suggest there is already a surfeit of affordable homes, but that does not seem to be the case here. There is an identified need for 60 affordable homes in the parish and 44 have recently been allowed at Grampound. The 12 propose here would therefore be a valuable addition to take the Council close to their target.
14. There would also be a loss of some trees and a stretch of Cornish Hedge to enable the access. The Council's tree officer suggests extra planting within the site to mitigate any loss and this can be secured by a condition on landscaping.

## Conclusions

15. I note there was a petition drawn up opposing the scheme at application stage, but there have also been several letters of support. In my view although there are some negatives, the extension of the village into the countryside and the loss of trees, these are relatively minor. The addition of 19 houses, especially the 10 affordable homes, which is fully in line with the government's desire to "boost significantly the supply of housing" (paragraph 47 of the Framework), is a consideration of sufficient weight to outweigh the minor harm identified.

## Conditions

16. Conditions are required to ensure the provision of sustainable drainage, and schemes for archaeological investigation, landscaping, sewage disposal, bio-diversity mitigation associated with the loss of hedgerows and boundary treatments. Visibility splays, estate roads and parking and turning areas should all be secured by condition as should a traffic management plan for construction traffic. Fencing for protection of retained trees is required as is a condition to prevent the removal of any hedgerows other than those to facilitate the access. Finally the stair window of unit 8 which faces towards the rear of a house in Trethurffe should be obscure glazed and fixed shut to protect the privacy of the occupiers of the existing house.
17. I shall use the conditions suggested by the Council, except for those referring to the parking and turning areas and landscaping which I shall alter as suggested by the appellant so that the former is related to individual dwellings and the latter refers to the development as a whole. I consider the other conditions on sewage disposal and repositioning of hedges should be carried

out before the development is occupied, there should be no reason why this could not be done on this relatively modest development.

18. A s106 obligation has been provided to ensure the affordable housing and required education contribution are secured.

*Simon Hand*

Inspector

Richborough Estates

### Conditions Annex

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (all plans are prefixed 2202) PL-01 Rev A Site Location Plan; PL-03 Rev G Proposed Site Plan; PL-04 Rev E Tenure Mix; PL-05, PL-06, PL-07, PL-08, PL-09, PL-10, PL-11, PL-12, PL-20, PL-21, PL-22 Rev A, PL-23, PL-24, all house type elevations and floor plans; PL-30 Site Sections; PL-34 Rev A Public Open Space Proposed Footpath; PL-35 Rev A Hedgebank Removal / Retention Plan.
- 3) The development shall not commence until final details of a scheme for the provision of sustainable surface water management has been submitted to and approved in writing by the local planning authority. This will include arrangements for managing surface water during the construction period.
  - i) The surface water drainage scheme shall be designed, implemented and thereafter maintained in accordance with the Drainage Guidance for Cornwall issued by the Environment Agency and the local planning authority, or subsequent local or national standards that are current at the time that the detailed drainage design is submitted.
  - ii) The surface water drainage scheme will be based on the principles as set out in the Flood Risk Assessment submitted with the planning application and will comprise infiltration drainage methods to accommodate rainfall from events up to the 1 in 30 year return period plus climate change and swales combined with landscaping to convey and store rainwater from the difference between the 30 year and the 100 year events plus the climate change allowance. Details of maintenance arrangements for the non-private elements on the scheme shall also be submitted.
- 4) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording;
  2. The programme for post investigation assessment;
  3. Provision to be made for analysis of the site investigation and recording;
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  5. Provision to be made for archive deposition of the analysis and records of the site investigation;
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - (i) No development shall take place other than in accordance with the Written Scheme of Investigation mentioned above.
  - (ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation mentioned

above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 5) Before any building or engineering works are carried out on the site, all land within the visibility splays shown on drawings 2202 PL-34 Rev A and 2202 PL-03 Rev G shall be reduced to a height not exceeding 600mm above the adjoining carriageway level and thereafter no obstruction exceeding 600mm shall be permitted within the approved visibility splays.
- 6) Before development is commenced on site, details of estate roads and their junctions, surface water drainage, street lighting and means of access to the proposed dwellings, shall be submitted for approval to the Local Planning Authority. The estate roads and accesses shall be constructed in accordance with the approved plans and shall be retained as such thereafter.
- 7) The development hereby permitted shall not commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size and type), vehicular routes, delivery hours and contractors arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities, condition survey of the carriageway and its verges with any damage being rectified at the developer's cost). The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.
- 8) Before any dwelling is occupied the relevant parking and turning areas for that dwelling shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority and the said areas shall not thereafter be obstructed or used for any other purpose.
- 9) No site clearance works involving the removal of hedgerows shall take place without the prior written approval of the planning authority. Any hedgerow removal that is approved shall not take place during March to August of any year.
- 10) Before the development hereby permitted is commenced, details of the position of fencing for the protection of trees on the site shall be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be erected in accordance with figure 2 and paragraph 9.2.2 of BS5837 in the positions approved before the development is commenced and thereafter retained until completion of the development. The parts of the tree or trees contained by the fencing shall not be harmed and nothing shall be stored or placed in any fenced area, nor shall the ground levels within those areas be altered.
- 11) No development shall, commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting season following the completion of the development hereby approved.
  - (i) The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; vehicle and pedestrian access

and circulation areas; and hard surfacing materials, minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.) and proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

(ii) The soft landscape works details shall include planting plans, mitigation tree planting in suitable locations to be agreed, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate and an implementation plan.

(iii) All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 12) The development hereby permitted shall not be occupied until sewage disposal works serving the development have been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These works shall be implemented in accordance with the approved details and shall not thereafter be altered or removed.
- 13) Development shall not commence until details of a scheme of mitigation and biodiversity enhancements associated with the loss of hedgerow has been submitted to and approved in writing by the local planning authority. The scheme shall include proposals creating new habitats and foraging potential for bats and nesting birds within the site and for improving wildlife by cutting of existing and new hedges in rotation, with a single hedgerow cut each year during late winter and allowing time for fruiting species to bear fruit. The development shall be carried out in accordance with the approved scheme.
- 14) Before any development above damp proof course takes place, details of the proposed height, siting, appearance and construction of all boundary treatments including details of the re-positioned sections of Cornish hedge to the northern and north western boundary and the new Cornish hedge along the eastern and southern boundary shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed in accordance with the approved details prior to the first occupation of the development and shall not thereafter be altered or removed.
- 15) Notwithstanding the approved plans, the stair well window on the west elevation of unit 8 shall be fitted with obscure glazing and fixed closed and the window shall be permanently retained in that condition thereafter.

End of Conditions