



Appeal Decision

Site visit made on 4 December 2014

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 6 January 2015

Appeal Ref: APP/D0840/A/14/2226416 The Paddocks, Treleigh, Redruth TR16 4AY

- 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 Mr Karl Prestidge against the decision of Cornwall Council.
 - The application Ref PA14/00321, dated 14 January 2014, was refused by notice dated 16 April 2014.
 - The development proposed is the erection of 15 dwellings and the construction of an access road.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with layout and scale included for consideration as part of the application. The matters of access, appearance and landscaping are reserved for future consideration. Although they are both noted as 'suggested', I have taken plans 2694:1 and 2694:2 as showing the proposed scale and layout of the development.

Costs application

3. The appellant submitted an application for an award of costs against the Council. That is the subject of a separate decision.

Planning Obligation

4. Subsequent to my visit, but within the time allowed for final comments, the appellant submitted an Agreement under s106 of the Act as a deed of planning obligation. This commits the appellant, if planning permission is granted, to providing 5 affordable dwellings as part of the development and to making a financial contribution towards increasing the capacity of local primary schools. The Council considers that the Agreement satisfactorily addresses the 3rd and 4th reasons for refusal so the lack of such obligations is no longer an issue. I shall go on to consider the provisions of the Agreement later in this decision.

Main issue

5. Housing applications should be considered in the context of sustainable development. The Council acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites so that, as indicated in ¶49 of the National Planning Policy Framework, current housing supply policies cannot be

considered up-to-date. That invokes ¶14 of the Framework which indicates that, where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The emerging Cornwall Local Plan is at an early stage and its policies are not referred to in the decision notice.

6. The main issue in this case is therefore whether the proposed development can be considered, on balance, to be sustainable development.

Reasons

7. The appeal site is a small wedge of land in 2 fields lying on the northern edge of Redruth, between the rising embankment of the dual carriageway A3047 and the main Penzance-Paddington railway line. Although the A30 Trunk Road lies just to the north, the A3047 effectively defines the edge of the built up area, with open countryside beyond. To the south of the railway lies the Cardrew industrial estate, with a sprawling layout of large factory/warehouse buildings. To the west the site adjoins the boundary of The Paddocks and an area of land now in the ownership of the adjacent Primary School. Beyond that lies a scattering of houses, a pub, a church, the old vicarage and the school playing field. Access to the site would be from the loop of road off the A3047.
8. The layout shows an arrangement of 10 semi-detached houses, 1 detached house and a block of 4 flats set out along branching estate roads.
9. The Council acknowledges that the site is an integral part of the urban environment but argues that it bears little relationship to the residential scale of development to the west and is seen more in the context of the adjacent road, rail and industrial sites to the north and south, thus residential development would be out of character with the surrounding built form; and furthermore that pedestrian and cycle routes to shops and other facilities would be seen as inconvenient and unattractive because of the proximity to traffic.
10. It is not clear to me whether the Council is arguing that the site is more suited to industrial development or whether it should remain as private open space. Be that as it may, the site is not in the most attractive of locations and the path which crosses the railway line, with a stile either side, is clearly inadequate. However, the site is close to an Early Learning Centre and Primary School, a pub, church, hall and employment sites and, bearing in mind the recent permissions for residential development at nearby sites - considered sustainable and using much the same and similar roadside pavement routes to access shops, services, employment sites and bus stops - I conclude that this site must be seen as a sustainable location for residential development.
11. As ¶65 of the Framework indicates, concerns about the incompatibility of a proposed development with an existing townscape can be mitigated by good design. Framework ¶56-58 makes it very clear that great importance is to be attached to achieving high quality design, which should add to the overall quality of the area, reflect local character and identity, establish a strong sense of place and create an attractive and comfortable place to live.
12. The submitted layout shows little evidence that these important design objectives have been properly considered. While the appearance of the houses remains to be considered, the typical linear estate road layout and the

relationship of the buildings with each other and their surroundings on this awkwardly shaped site reflects nothing of local identity or the character of local places. While it is important to optimise the potential of the site, that does not mean cramming as many dwellings as possible onto it to the detriment of design quality. I consider the scale of development, in the form and numbers proposed, to be unacceptable.

13. As the acoustic report shows, the site is subject to noise from the road and railway. A 2.5 m high acoustic barrier is proposed along the railway boundary. That would sufficiently reduce daytime noise levels but, even with the fence in place, at night-time virtually the whole of the site would experience levels of noise where further measures are necessary to protect inhabitants. Double glazing and acoustic ventilators are proposed. Noise levels are highest nearer to their source and the report shows that properties on the railway boundary may also be subject to periodic high noise events at night. The report recommends that no residential property should be built within 5 metres of the railway boundary. That advice has been ignored and at least 4 dwellings would fall within this zone. As the house type plans indicate, it would not be realistic to rely on being able to locate door and window openings outside the 5 metre zone, as the appellant suggests. In my view that is another indication of the poor quality, cramped nature of the layout.
14. There are 3 dimensions to sustainable development: economic, social and environmental. While the proposal would perform an economic role, by developing land in the right place, and would in part perform a social role by providing new housing, it would not meet the social and environmental objectives of creating a high quality built environment and enhancing an existing location.
15. Since this is an outline application I have considered whether the objections could be successfully addressed at reserved matters stage or overcome by condition. However, I consider that realistically, the objections can only be met by a revised layout and/or more appropriate acoustic mitigation measures.
16. I consider that the undoubted advantages of providing new housing are significantly and demonstrably outweighed by the adverse effects of this proposal when assessed against the policies in the Framework taken as a whole. Good design is a key aspect of sustainable development. This proposal would fall far short of achieving that objective. I therefore find that the proposed development cannot be considered to be sustainable development.

Other matters

17. The s106 Agreement sets out the commitment to providing 5 affordable dwellings, in a range of tenures, and to making a financial contribution towards the need for additional school places arising from the development. The provision of affordable housing complies with national policy objectives and is a key objective of the emerging Cornwall Local Plan. The education contribution would mitigate the impact of additional school children on existing school places. I consider that these obligations are necessary to make the development acceptable in planning terms, they are directly related to the proposal and are fairly related to it in scale and kind. The obligations meet the tests of CIL Regulation 122.

18. The affordable housing, with provision for giving priority to local people, would be a particular benefit of the scheme.

Conclusions

19. I consider that, in principle, this is an acceptable and sustainable location for development. The key to the successful development of this awkward site is good design that will improve the character of the area and create its own sense of place. However, while this is an outline application, the scale and layout of the proposal indicates that this would be a development of poor design that would fail to take the opportunity available for improving the character and quality of an area and the way it functions. As indicated in Framework ¶64, permission should therefore be refused. While the proposed development would make a significant contribution to the provision of market and much-needed affordable dwellings, that benefit could be achieved in a more acceptable manner.
20. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector

Richborough Estates