
Appeal Decision

Inquiry held on 14-17 April 2015

Site visit made on 17 April 2015

by John Chase MCD DipArch RIBA MRTPI

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

Decision date: 10 June 2015

Appeal Ref: APP/D0840/A/14/2223630

Land at Holmbush Road, St Austell, Cornwall

- 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 Devonshire Homes Ltd against the decision of Cornwall Council.
 - The application Ref PA13/09195, dated 30 September 2013, was refused by notice dated 20 February 2014.
 - The development proposed is mixed use to include up to 190 residential units, employment floorspace (B1a, b and c) up to 600 sq m (GFA) and family restaurant/public house (A4) up to 650 sq m (GFA), creation of vehicular access arrangements, internal road layout, car parking, open space, landscaping, services and infrastructure and all other associated development.
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Decision

1. The appeal is allowed and planning permission is granted for mixed use development to include up to 190 residential units, employment floorspace (B1a, b and c) up to 600 sq m (GFA) and family restaurant/public house (A4) up to 650 sq m (GFA); creation of vehicular access arrangements, internal road layout, car parking, open space, landscaping, services and infrastructure and all other associated development at Land at Holmbush Road, St Austell, Cornwall in accordance with the terms of the application, Ref PA13/09195, dated 30 September 2013, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. At the Inquiry the parties submitted an agreement made under Section 106 of the Town and Country Planning Act 1990 for the supply of affordable housing, contributions to highway and education infrastructure, and the provision and maintenance of recreational open space on the site.
3. The application was made in outline, with all matters reserved except access. The appellants submitted a number of illustrative plans to show the layout of the development and the likely distribution of uses.

Main Issues

4. Several reasons for refusal were resolved between the main parties before and during the Inquiry, including the need for affordable housing and infrastructure improvement, the use of the Holmbush railway level crossing, and the question of harm to undesignated heritage assets. In light of this, and taking account of

all other matters raised, the remaining main issues are the effect of the development on 1) highway conditions in the A390 Holmbush Road, 2) air quality in the locality, and 3) the character and appearance of the countryside.

Reasons

Highways

5. It is proposed to create a new, traffic light controlled junction to provide access to the site from the A390 Holmbush Road. The appellants' Transport Assessment includes an appraisal of this road and its junctions in the vicinity of the site, and concludes that the traffic generated by the development would be a small proportionate increase, within the normal daily variation, and that there are highway improvements proposed. It is also put forward as a sustainable location, with access to public transport and local facilities within walking and cycling distance. The Council dispute these conclusions, considering that the additional traffic would lead to an unacceptable increase in congestion, contrary to Policy 80 of the adopted Local Plan¹ and amounting to the severe effects envisaged in para 32 of the National Planning Policy Framework (NPPF). They also question whether the site is, in practice, adequately accessible to alternative forms of transport.
6. Excluding any effect of the appeal development, the appellants' data indicates that the A390 junctions in the vicinity of the site operated with reserve capacity in 2012, but by 2018 would be at 1.6% above the 90% datum taken as a measure of saturation, and at 10.8% above by 2023. These figures rise to 5.9% and 14.8% above, respectively, when the appeal scheme is taken into account. These are the effects over all links taken as a whole, with individual junction arms showing higher or lower levels. On the basis of this data, there is an indication that the A390 is nearing maximum capacity in this locality, and there is a concern that the appeal proposal would make a deteriorating situation worse. In addition, the Council's highways witness pointed out that the impact of the additional traffic would affect the A390 corridor as a whole, including the Mount Charles roundabout, which did not form part of the appellants' analysis, and which suffers congestion.
7. The A390 is a major artery, carrying regional as well as local traffic, with flows in excess of 20,000 per day. Whilst the addition of new vehicles to a road which is at or exceeding capacity can have a disproportionate impact on queue lengths – by adding vehicles to stationary traffic – it is accepted that the additional load generated by the appeal development would remain a relatively small component of the overall demand, especially when the flow is swollen by holiday traffic during the summer season. It would not have a decisive effect on the performance of the road, which would exceed capacity in any event, if no further action is taken.
8. In recognition of this, the Council have prepared the draft St Austell Transport Strategy, a component of which is an Urban Transport Control scheme (UTC), which would link the operation of traffic lights at junctions along the A390 corridor. There is no reason to dispute the appellants' claim that the purpose of this proposal is to reduce congestion by equalising the load on the system, making use of spare capacity to improve the overall performance of the road. Nor is there substantial doubt about whether the project will proceed: the

¹ Restormel Borough Local Plan 2001-2011, saved policies

Statement of Common Ground confirms that capital funding has been secured and that the UTC is programmed for delivery in the financial year 2015/16. It may be that the extent of any benefit will not become fully apparent until the scheme is completed. However, there is no reason, in principle, to indicate that it will not achieve its objectives, nor that the Highway Authority would have embarked on such a programme without a reasonable expectation of success.

9. The improvement of one part of the system could transfer congestion to other areas, but the UTC is prepared in the context of the St Austell Transport Strategy as a whole, and the Council's case does not prove that traffic generated by the development would have a significant effect on the performance of other parts of the system, including the Mount Charles roundabout. Whilst this latter junction did not form part of the appellants' analysis in the Transport Assessment, it is not unreasonable that their research should be restricted to those junctions agreed with the Highway Authority at the time of its preparation as those most likely to be affected by the development. The analysis of traffic accidents in the Transport Assessment does not show especially high levels of injury causing incidents in the vicinity of the site, nor demonstrate trends which might be accentuated by the development.
10. A further strand of the proposed mitigation is the preparation of a Travel Plan, the implementation of which would be secured by condition. The Plan has the objective of diminishing car usage by promoting alternative forms of transport, and reducing the need to travel. It sets out distances to local shops, services, schools and sources of employment, the majority of which are accessible by walking and cycling, including the proposed business units and public house/restaurant within the estate. There are also bus services on the A390, and the intention on the part of the appellants to provide new bus stops in the vicinity of the site.
11. The point is made that the majority of journeys would be on, or alongside, the A390, which is a busy road which would be less attractive for pedestrians and cyclists. Nor is there any evidence that the bus operators have agreed to serve new bus stops. These points are noted. Nonetheless, it is not uncommon for residential areas to obtain access from a major road, and there are other such examples in the A390 corridor. Speeds are restricted, both by formal limits and the frequency of junctions, and there are footpaths available, with parts of the highway designated as cycle lanes. It is not an ideal situation, but the route is not so unattractive as to prevent it from being a viable option for pedestrians and cyclists. Whether the bus operators agree to serve new bus stops is out of the appellants' control, but there is no reason to conclude that they would not, especially if they provided an increased customer base.
12. It is the objective of the travel plan to achieve at least a 20% shift away from car journeys to alternative means of transport, and there are a series of measures and inducements proposed for this purpose, with a longer term management and monitoring programme. Whilst it is the Council's opinion that the actual performance will fall well short of this objective, there is no clear evidence to support a figure as low as 5%, and, on balance, the accessibility of the site, and measures proposed, would support a more optimistic view of the outcome.

13. The implementation of the Travel Plan would assist in diminishing traffic generation from the site, and the introduction of the UTC scheme would help to smooth flow and increase the capacity of the road. It is therefore probable that the actual impact of the development would be less than that anticipated by the modelling in the Transport Assessment. Taking account of this, and that the increase in vehicles would represent a relatively small proportion of the overall demand for the road, the evidence falls short of proving that the development would have an unacceptable effect on highway conditions in the A390 Holmbush Road. It would not be at odds with the objective of Local Plan Policy 80 to avoid problems on the road system, and it would not amount to the severe residual cumulative impact envisaged by para 32 of the NPPF.

Air Quality

14. Measurements taken at test stations in Holmbush Road indicate rising levels of vehicle generated nitrogen dioxide (NO²), with concentrations in 2014 ranging from 40.2 to 55.7 µg m⁻³, in excess of the recommended² 40 µg m⁻³ annual average limit. The Council draw attention to the health risks associated with elevated NO² levels, and that they are also an indicator of the presence of other traffic pollutants. Whilst the Air Quality Assessment report prepared for the appellants indicates that the traffic generated by the development would have no more than a slight adverse effect, based on EPUK 2010 methodology³, the points are made that the assessment does not adequately reflect the judgement necessary to reflect particular circumstances, recommended in that guidance, and that the scale of the impact rises when re-appraised in relation to new draft guidance⁴.
15. The majority of St Austell, including part of the appeal site, is designated as an Air Quality Management Area (AQMA), within which the Action Plan⁵ includes the intention to reduce pollution below National Air Quality Strategy objective levels. In addition, the Secretary of State is required⁶ to ensure that, amongst other criteria, NO² levels do not exceed 40 µg m⁻³, whilst both local and national policies⁷ seek to avoid risks to health and the environment from pollution.
16. It is clear from the foregoing that the use of the A390 road generates unacceptable levels of NO², which are likely to rise as traffic volumes increase, and that there is strong legislative and policy support for restricting development which would materially contribute to those levels. However, it is also the case that the degree of harm arising out of the appeal scheme is related to the amount of traffic generated by it. If, as determined under the first main issue, the additional vehicles represent a small proportionate increase over existing traffic levels, then the impact on pollution levels would be equally limited. In addition, the improvements to traffic flow anticipated with the UTC scheme would diminish the number of stationary and slow moving vehicles, to the benefit of overall emission levels. Whilst the conclusions derived from the revised EPUK recommendations are noted, it is also the case

² The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, 2007

³ Environmental Protection UK, Development Control: Planning for Air Quality (2010 update)

⁴ Environmental Protection UK, Land Use Planning and Development Control: Planning for Air Quality, Final draft April 2015

⁵ Cornwall Council Air Quality Management Area Action Plan, 2013

⁶ Regulation 17(1), Air Quality Standards Regulations, 2010

⁷ Local Plan Policy 36; NPPF Paras 109, 120, 124

that the new version remains in draft form, which limits the weight which may be applied to it.

17. Therefore, whilst this is an important issue, the evidence falls short of demonstrating that the harm arising out of the appeal scheme would be of such extent as to be clearly contrary to the objectives of Local Plan Policy 36 or the identified parts of the NPPF. It is noted, for instance, that the Planning Practice Guidance⁸ indicates that air quality becomes relevant to a planning application when the development would significantly affect traffic in the area, which is not the case here. In terms of the main issue, the proposal would not have an unacceptable impact on air quality in the locality.

Countryside

18. The site is open fields of approximately 8.6ha on the edge of St Austell, presently used for horse keeping. It abuts housing on the western boundary, a railway line and then housing to the south, and there is a landscaped area to the east containing a pinetum and gardens, open to the public. The northern boundary runs alongside the A390, Holmbush Road, separated from it by a hedge and trees. The land rises steeply from the road, before levelling off, and is divided into seven fields by well established hedges, which are described in the Landscape Character Study⁹ as being part of a pattern of the medieval division of undulating pasture land, alongside the scattered suburban development on the fringes of St Austell. There is an area Tree Preservation Order covering the site.
19. The Council's reason for refusal refers to the role of the land as a buffer zone, separating St Austell from Carlyon Bay, but it does not have any formal designation in this respect, reliance being placed on Local Plan Policies 3, 6 and 18. The proposal would be clearly contrary to Policy 3, which seeks to safeguard countryside outside defined settlement envelopes. However, as set out below, the Council are not currently able to demonstrate a five year supply of housing land and therefore, with respect to the residential element, which is the major part of the proposal, this policy is considered out of date in terms of paras 49 and 14 of the NPPF. Policy 6 sets design principles, including the need to harmonise with the surroundings, to avoid intrusion into prominent views, and to avoid the coalescence of settlements. Policy 18 seeks the retention of landscape features, including hedges and tree belts. In addition, whilst the site was one of only four assessed as suitable for further consideration in the Town Framework¹⁰, this document noted it has high landscape value.
20. Attention has also been drawn to national policy in respect of landscape matters, including the core principles in NPPF para 17, which include the need for recognition of the intrinsic character and beauty of the countryside, and the protection of valued landscapes in para 109.
21. Despite the intention to keep the majority of the existing trees and hedges, there is no doubt that the development of the land would lead to a fundamental change in its character. At present the site contributes a rural element to the entry into St Austell, whereas the loss of the hedge line at the new entrance,

⁸ Planning Practice Guidance, ID: 32-005-20140306

⁹ Cornwall and Isles of Scilly Landscape Character Study, 2008, Area CA39

¹⁰ St Austell and Parishes Town Framework, Urban Extension Assessment, March 2014

and the substantial ground works necessitated by the steeply rising ground, would create a more urban character. The buildings would be apparent through and around the remaining frontage vegetation, made more prominent by their elevated position. The retained hedges would lose their role as field boundaries, and become dominated by the surrounding development. It is also the case that the land is visible from the housing area to the south, and as a stretch of open space to the north of Carlyon Bay when viewed from a range of locations on the higher ground to the north and north east.

22. On the other hand, this is not open countryside. The site abuts urban development on three sides, and the entry into St Austell on the Holmbush Road at this point is not so rural in appearance, with an industrial estate on the far side of the road, that the new development would be wholly out of keeping with the prevailing character. It is certainly true that, from more distant viewpoints, the development would fill a gap between the outer fringes of St Austell and Carlyon Bay, but this latter has more the character of a suburban extension of the town than a separate village. In any event, the appeal site does not provide a clear demarcation; if anything, the railway line performs this function by restricting the points of access between the settlements.
23. Pine Lodge Gardens, on the eastern side of the site, is designated as an Area of Special Landscape Character by Local Plan Policy SA4, being protected from detrimental changes by Policy 35. The development of the appeal site would have some impact, but limited by the retention of boundary vegetation. The quality of this garden and pinetum appears to lie within its own boundaries, rather than the wider setting. This aspect is not referred to in the Council's reasons for refusal, and there is no clear indication that the development would be contrary to Policy 35.
24. When assessed against the criteria of Policy 6, there is limited evidence that the site amounts to a prominent ridge or skyline, nor that it is a major component of prominent views. It would not have a significant impact on urban coalescence, for the reasons given above. The degree to which it pays proper respect for the changes in site level, particularly the rise from Holmbush Road, would be subject to detailed layout and design. It would have some harmful effect on the integrity and continuity of hedgerows, contrary to Policy 18, and, whilst the Council no longer pursues a heritage argument under Policy 11, there would be the loss of rural character associated with the ancient field system, although there is no indication that this is a particularly unusual aspect of the Cornish countryside. In terms of NPPF para 109, many fields on the edge of settlements would be valued by those living around them, but there is the expectation, as expressed in recent case law¹¹, that protection under this paragraph would require the demonstration of physical attributes to take the site beyond mere countryside. The evidence falls short of proving that is the case.
25. Therefore, whilst the development of this land would lead to a radical change in its nature, aspects of which would be contrary to the identified development plan policies, it does not play an especially important role in the character and appearance of the immediate environs and of the wider countryside.

¹¹ Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd, [2015] EWHC 488 (Admin)

Other Matters

26. Local residents and other interested parties have raised a number of additional concerns, including the potential for flooding, the effect on ecology, the loss of agricultural land, the impact on infrastructure, and the potential threat to residential amenity. The arguments made on these matters are taken into account, but the evidence falls short of proving that any harm is of sufficient weight to justify dismissal of the appeal. In a number of instances the impact would be mitigated by the planning agreement and the imposition of conditions.

Section 106 Agreement

27. Amongst the obligations in the Section 106 Agreement is the provision of 40% of the units to be affordable housing, to meet an established need, and to comply with Local Plan Policy 74 and associated guidance¹². Policy 7 covers the need to provide infrastructure made necessary by the development, and contributions are made to highways/transportation and education. There are a specified range of highways and transportation projects, associated with the Highways Strategy, the need for which is set out under the first main issue. The local education system is currently operating above the 90% of capacity which is taken to indicate pressure on future places, and a payment is made in accordance with the relevant guidance¹³.
28. There is provision for £3,500 to offset the costs to the Council arising out of the agreement, and whilst there is limited evidence to support this figure, it is conceivable that a project of this size and complexity will involve the Council in monitoring and administrative costs, and that the sum involved is not out of keeping with its scale. Obligations are created for the provision and maintenance of open space on the site, to meet the recreational needs of the residents and to comply with Local Plan Policy 89. Overall, there are adequate grounds to consider that the obligations meet the tests in para 122 of the Community Infrastructure Levy (CIL) Regulations, 2010.
29. CIL Regulation 123, the relevant provisions of which came into operation shortly before the Inquiry, requires that an obligation made for the funding of infrastructure shall not be a reason for granting planning permission where there have been five or more contributions collected for the same infrastructure. The Council confirm that the obligations relate to specific infrastructure projects, made necessary by the development, and that fewer than five contributions have been received in each case.

Conditions

30. The conditions suggested by the main parties in the Statement of Common Ground have been considered in relation to the discussion at the Inquiry, and the advice in the Planning Practice Guidance. Conditions are necessary for the preparation of a Construction Traffic Management Plan, to require the completion of the highway works, including the junction arrangements and estate road and parking, and to implement a Travel Plan, in the interests of safe and efficient highways and, in the latter case, to ensure a sustainable form of development. A Construction Environment Management Plan and control over the protection of existing trees are needed to minimise the harmful impact

¹² Cornwall Affordable Housing, Supplementary Planning Document, Post Consultant Draft, October 2014

¹³ Cornwall Council Guidance on Section 106 Obligations for Education Provision, 2012

of the development process, and wildlife habitats should be secured in the interests of biodiversity.

31. Control over external lighting is needed to maintain amenity and avoid undue light pollution, and a sustainable drainage scheme would minimise the risk of flooding and ground water pollution. There is evidence that the land was formerly used for mining, and there is a likelihood of ground contamination, which would require remedy. There is also the possibility of archaeological finds, which should be adequately surveyed prior to development. The size of the scheme is specified to control the impact on the road system and the character and appearance of the area, and the plans relating to the detailed permission for the access are identified, for the avoidance of doubt and in the interests of proper planning. The appellants' acoustic report records that some sound attenuation will be necessary for noise sensitive uses adjacent to the road and railway.
32. Parts of the site are remote from residential uses which might be adversely affected by the construction process. Rather than a blanket restriction on operational times, there is the potential in the Construction Environment Management Plan to agree working hours relative to the location on the site. There is no need to specify that the works within the public highway will be subject to agreement under separate legislation, and the Building Regulations will provide control over the effect of any ground instability on foundation design. The Council acknowledge in the Statement of Common Ground that the UTC scheme is programmed for delivery in 2015/2016. In view of its imminence, there is no compelling case that the number of units should be restricted until the scheme is completed. The intention to limit permitted development rights of the affordable housing in order to maintain the supply of low cost units would apply to any such scheme, and does not fall within the exceptional circumstances under which such restrictions may normally be imposed. It is also questionable whether such a blanket restriction would meet the test of reasonableness in terms of the Planning Practice Guidance.

Sustainability and Conclusions

33. The Statement of Common Ground agrees that little weight can be attached to policies in the emerging Local Plan¹⁴, which has not yet completed the Examination process. Taking account of the conclusions of relevant appeal decisions¹⁵, the Council accept that the objectively assessed need for housing set out in this plan has not yet been adequately tested, and no evidence was offered to prove that a five year housing supply can currently be demonstrated. In these circumstances, the provision of up to 190 units, including 40% affordable housing to meet an established need, would be a significant benefit of the scheme, helping to meet the social role of sustainability, and promoting the NPPF objective to boost significantly the supply of housing.
34. Although there are other commercial and restaurant/pub facilities in the area, and the necessity for the proposed facilities is questioned, there are not substantial grounds to dispute the appellants' sequential analysis to show that there are not other more suitable sites available. The mixed use nature of the scheme would have the potential to meet the needs of the new residents, and

¹⁴ Cornwall Local Plan, Strategic Policies 2010-2030 Submission Document

¹⁵ Ref APP/D0840/A/13/2209757 and APP/D0840/A/14/2222789

to provide jobs in the area. In these respects, it would help to satisfy the economic role of sustainability.

35. The question arises whether these benefits would outweigh any environmental harm. Whilst this decision concludes that the proposal would not be contrary to the development plan in terms of traffic and pollution generation, even if this was not the case, it is credible that any development in St Austell to meet its housing and economic needs would place some additional load on the A390 road, and the Air Quality Management Area status applies to the majority of the town. It is clear that the Council have proposals to ease congestion, and the Section 106 Agreement makes provision for contributions towards implementing this programme.
36. The strength of public opposition to the scheme is recognised, and in particular the level of concern about the impact of additional traffic. However, if a hiatus in the delivery of housing and economic development is to be avoided then it will be necessary for new building to take place in parallel with the improvements to the road system. The characteristics of this site are considered on their own merits, rather than in relation to other possible locations in the town. There are alternative proposals for housing in the locality, including the West Carclaze Eco-Community, but the absence of a five year housing supply implies an overall shortage of available sites.
37. With respect to the loss of countryside, it is undoubtedly the case that the site has a pleasant, rural quality, with the small fields and established hedges redolent of traditional farming practice. However, it is isolated from open countryside, and is not so visible, nor such a vital component of the landscape character of the area, as to justify retention for its own sake. It has a limited role in separating settlements, and the outer boundary of St Austell in this direction is not so clearly defined that the proposal would be out of keeping with the existing pattern of development, nor an intrusion into the rural area.
38. The Town Framework¹⁶ noted that the site is well connected to employment and neighbourhood centres and, whilst the Council's reservations about the potential unattractiveness of walking, cycling and public transport options are recognised, there is no overriding reason to consider that this is not an accessible location.
39. The benefits of the scheme, particularly with respect to the supply of housing land, alongside the measures to mitigate environmental harm, are sufficiently important material considerations to outweigh any conflict with development plan policy. Taken as a whole, the scheme is the sustainable form of development for which there is a presumption in favour, and the appeal is therefore allowed.

John Chase

INSPECTOR

¹⁶ St Austell and Parishes Town Framework, Urban Extension Assessment, March 2014

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr H Flanagan	of Counsel
He called	
Mr J Pearson FIHE	Transport and Highway Consultant
Ms B Parsons BSc, CertEd	CAQU Environmental
Mr J Holman MRICS, MRTPI, FAAV	Principal Planning Officer, Cornwall Council

FOR THE APPELLANTS:

Mr A Crean QC	
He called	
Mr D Hickman BSc, CMILT	Cole Easdon, Engineering Consultants
Dr C Holman BSc, PhD, CEnv, CSci, IAQM, FIES	Brook Cottage Consultants Ltd
Mr J Burgess BA, DipLA, CMLI	Swan Paul Partnership Ltd
Mr E Heynes MA, MRTPI, PGCM	Heynes Planning

INTERESTED PERSONS:

Cllr Palmer	St Austell Town Council
Cllr Neill	St Austell Bay Parish Council
Cllr Taylor	Carlyon Parish Council
Cllr French	St Austell Town Council and County Councillor
Mr M Brown	Local Resident
Mr P Browning	Local Resident
Mr V Caust	Local Resident
Mr K Richards	Local Resident
Mr S Henry	Local Resident
Cllr Wharton	St Austell Bay Parish Council

DOCUMENTS

Documents from the Appellants

- A1 Opening submissions on behalf of the Appellants
- A2 Signed Statement of Common Ground
- A3 Emails between D Ratcliffe and P Cox re: heritage issues
- A4 Extract from Stroud DC v SOS CLG & Gladman Developments Ltd, [2015] EWHC 488 (Admin)
- A5 Cornwall HLC Zones
- A6 Draft Section 106 Agreement
- A7 Completed Section 106 Agreement
- A8 Closing Submissions on behalf of the Appellants.

Documents from the Council

- C1 Appearances for Cornwall Council
- C2 IAQM Land Use Planning and Development Control, Planning for Air Quality, Final Draft April 2015
- C3 Cornwall Council Air Quality Management Area Action Plan, January 2013
- C4 Opening Statement on behalf of Cornwall Council
- C5 Colour versions of Mr Pearson's Appendices
- C6 St Austell and Parishes Town Framework, March 2014
- C7 Legal duties arising under the Air Quality Standards Regulations, 2010
- C8 Planning Application for development of Cell 28
- C9 Porthpean Road, St Austell – Phase 2 Location Plan
- C10 Local Plan Policy 35
- C11 Closing Submissions on behalf of Cornwall Council
- C12 Items to be viewed during site visit
- C13 Letter dated 1/2/15 from Cornwall Council to the Planning Inspectorate confirming status of infrastructure contributions (accepted after close of Inquiry)

Documents from Interested Parties

- B1 Text of submission by Cllr Palmer
- B2 Text of submission by Mr Browning
- B3 Text of submission by Mr Richards
- B4 Text of submission by Cllr French
- B5 Text of submission by Cllr Taylor
- B6 Text of submission by Cllr Neill
- B7 Details of St Austell Eco Communities development

SCHEDULE OF PLANNING CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin before the expiration of three years from the date of this permission, or not later than two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The access arrangements hereby permitted shall be carried out in accordance with the following approved plans: 6669-01-012, 3429/211, 3429/206A
- 5) 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, details of pedestrian routes during construction times. (compound, storage, parking, turning, surfacing, drainage and wheel washing facilities). The development shall be carried out in accordance with the approved Construction Traffic Management Plan unless otherwise agreed in writing by the Local Planning Authority.
- 6) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that will be put in place to control the risk of pollution to air, soil and 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. The Plan shall also include, but not be limited to, details of noise control measures, dust control measures, hours of construction works, roles and responsibilities, monitoring and reporting, emergency responses, community and stakeholder relations and training. The development shall be carried out in accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.
- 7) Notwithstanding the details contained in the submitted Extended Phase 1 Habitat Survey, Phase 2 Habitat Survey and the Addendum no development shall take place, including any works of ground clearance or site preparation, until a fully detailed habitat retention/creation plan and associated management plan has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include, but are not limited to, measures for the protection of agreed habitat areas during the construction period, a five year establishment and maintenance plan for all habitat areas, and a timetable for implementation. The habitat management plan shall cover all retained

- and created nature conservation areas and hedgerows, management of public access and monitoring requirements. Development shall be carried out in accordance with approved details and timetable.
- 8) No building shall be occupied until the estate road carriageways (except the final wearing course) and footways have been laid out and constructed in accordance with the Cornwall Council's relevant specification, including street lighting, over such lengths as are necessary to provide access from a public road to that particular building. The wearing course of roads serving any phase of the development shall be completed prior to occupation of the final building on that phase. The car parking spaces/garages associated with any building shall be constructed prior to occupation of that building, and shall be kept available for their intended purpose thereafter.
 - 9) No development shall take place until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority in line with Cornwall Council guidance: 'Travel Plans - Advice for Developers in Cornwall'. The Travel Plan shall be worked up in accordance with the principles set out in the Cole Easdon Consultants Travel Plan dated August 2013, submitted with the planning application. 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 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 in accordance with the approved details as long as any part of the development is occupied.
 - 10) No development shall take place until drawings showing the detailed design of line, level, layout, visibility splays, drainage and construction of the approved access arrangements and off site highway works have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the highway works and junction arrangements have been completed in accordance with the approved drawings, and the scheme shall be retained thereafter, with visibility splays kept clear of obstruction to sight above 600mm.
 - 11) Prior to installation, full details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the use commences and retained thereafter.
 - 12) No development shall commence until details (including an arboricultural method statement) of the form and position of fencing for the protection of trees on the site have been submitted to and approved in writing by the Local Planning Authority and such fencing shall be erected in accordance with BS5837 (or its successor) in the positions approved before the development is commenced and thereafter retained until completion of the development. The details shall be submitted in accordance with the Tree Protection and Retention Plan submitted on 31st January 2014. Nothing shall be stored or placed in any fenced area, nor shall the ground levels within those areas be altered, without the prior written approval of the Local Planning Authority.

- 13) No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 14) Ground Contamination. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until criteria 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until criterion 4 has been complied with in relation to that contamination. *Criterion 1: Site Characterisation*: An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The written report of the investigation and risk assessment shall be submitted for the written approval of the Local Planning Authority. The report of the findings shall include: (i) a survey of the extent, scale and nature of any contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. *Criterion 2: Submission of Remediation Scheme*: A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment (including controlled waters) shall be prepared, and submitted for the approval of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. *Criterion 3: Implementation of Approved Remediation Scheme*: The approved remediation scheme shall be carried out in accordance with its terms and as approved by the Local Planning Authority prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the

effectiveness of the remediation carried out shall be submitted for the approval of the Local Planning Authority. *Criterion 4: Reporting of Unexpected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of criterion 1; and where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of criterion 2, which is subject to the approval, in writing, of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with criterion 3.

- 15) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and: i) a programme and methodology of site investigation and recording, ii) a programme of post investigation assessment, iii) provision to be made for analysis of the site investigation and recording iv) provision to be made for publication and dissemination of the analysis and records of the site investigation, v) provision to be made for archive deposition of the analysis and records of the site investigation, and iv) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 16) Construction work shall not begin until a scheme for protecting noise-sensitive development from noise from the railway line and A390 road has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before the noise-sensitive development is occupied.
- 17) The development hereby permitted shall not exceed a maximum of 190 dwellings, 600 sqm (GFA) of B1 a, b or c employment space, and 650 sqm (GFA) A4 restaurant/public house.