



Appeal Decision

Hearing held on 9 June 2015

Site visit made on 9 June 2015

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 17 July 2015

Appeal Ref: APP/D0840/W/15/3005920

Ponsmere Hotel, Ponsmere Road, Perranporth, Cornwall TR6 0BW

- 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 Perranporth Developments Ltd against the decision of Cornwall Council.
 - The application Ref PA14/01020, dated 3 February 2014, was refused by notice dated 25 November 2014.
 - The development proposed is the demolition of the existing Ponsmere Hotel, erection of 28 residential apartments, 11 houses, 2 flats over garages, restaurant (A3 Use Class) and car parking and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing Ponsmere Hotel, erection of 28 residential apartments, 11 houses, 2 flats over garages, restaurant (A3 Use Class) and car parking and associated infrastructure at the site of the Ponsmere Hotel, Ponsmere Road, Perranporth, Cornwall TR6 0BW in accordance with the terms of the application, Ref PA14/01020, dated 3 February 2014, subject to the conditions in the Schedule below.

Application for costs

2. At the Hearing an application for costs was made by Perranporth Developments Ltd against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matter

3. I was handed a copy of a signed and dated S106 agreement between the Council and the appellant at the Hearing and address this matter below.

Main Issue

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

Reasons

5. The Ponsmere Hotel is a large 4-storey building mainly dating from the 1950s/60s located on a promontory raised above Perran Beach. As such it is very prominent from the beach, from east, north and west. It is also close to

- the main public car parks and next to the main pedestrian accesses to the beach and hence is prominent to the many visitors to the beach and village.
6. It is also visible from many viewpoints within the village, such as parts of Liskey Hill (the B3284 Truro Road); Budnic Hill (the B3285 Newquay Road); St George's Hill (the B3285 St Agnes Road); the northern end of Station Road; parts of Cliff Road and the roads to the south of it as well as from parts of the footpath descending from Droskyn Point. Some of these views are unimpeded, such as that from the main bend on Liskey Hill, at the junction of Cliff Road and Tywarnhale Road and from stretches of St George's Hill. But many are occasional glimpsed views between buildings. This is particularly so from the north-western edge of the village because there are a number of large high buildings which obscure a general open view of the site.
 7. It is generally agreed that the existing hotel building does not enhance the site or its setting and that there is no objection to the site's redevelopment. The objections from the Council and local residents concern the proposed scheme's proximity to the cliff edge, its massing and contemporary design and its failure to reflect the character and design of architecture in the village. In essence, that it is poorly designed for its context.
 8. The proposal's emerging draft design was considered at the meeting of the Cornwall Design Review Panel (DRP) on 2 October 2013, which provided specific feedback as set out in the representations. In particular the DRP considered that the design of the apartment blocks did not achieve its aspirational organic arrangement and appeared to have symmetrical monolithic elevations with strong horizontal bands of balconies more akin to the existing unsatisfactory hotel; the rigid row of town houses immediately behind the apartment block did not integrate with it or the adjoining village context; and the garden houses did not provide for greater natural surveillance of the existing public lane on the southern edge of the site. It also considered that the roofscape of the new development needed more variety in order to 'break up' the massing of the scheme.
 9. I consider the DRP's feedback, and whether the design has been amended to take it into account, to be a reasonable basis in terms of assessing whether the current design is successful.
 10. The scheme design has been considerably developed in response to the DRP's comments although it has not been resubmitted back to the DRP. The form and scale of the main apartment blocks has been better articulated by introducing a greater variety of roof planes and set-backs in floor plan at the higher levels of the two blocks. This would enable the front, back and side elevations of both main blocks to be better orchestrated and give the most prominent part of the development a more organic feel, despite the fact that it would be higher than the existing hotel.
 11. The highest part of apartment blocks, the sixth storey to the western block, would be nearly 3m higher than the existing hotel and the fifth floor of both blocks would also be slightly higher. However, the staggered floor plans, balconies and roof planes of the apartments and the fact that they are designed as two separate blocks with a greater variety of materials contrast well with the bland elevations and monolithic rectangular form of the hotel.

12. In terms of scale I note that the DRP did not see any harm with the principle of incorporating a taller component within the proposed roofscape provided this was a small element of the main building and the majority of the roof line sits below the scale of the existing building. Whilst the upper floors of both blocks would be higher than the hotel their side wings and the front projecting 'tongue' of the eastern block are stepped down to a height considerably lower than the existing building such that their overall volume is markedly less than that of the present building.
13. The gap between the blocks at ground to second floors is narrow compared to their overall size and both blocks extend much further forward than the existing hotel building, especially the eastern block. This means that the gap would not be generally apparent from more distant views. However, the staggered floor plans and roofscape from these wider vantage points would be readily apparent as would the variety of facing materials and this would be an improvement to the bland rectangular footprint and uninspiring elevations of the existing building on the site. In particular, the sedum roof of the restaurant and staggered balconies of the west elevation of the western block would markedly improve the view of the site from the west. Importantly, viewed head on at close quarters from the beach the gap between the blocks would be readily apparent and likewise a distinct improvement to the hotel's northern elevation.
14. The forward extension of the apartment blocks would not in my view cause substantial harm to the character of the area because there would remain a considerable area of land on top of this promontory of land which is proposed to be satisfactorily landscaped in a manner appropriate to its location next to the beach and dunes. The siting of these blocks and the houses to the south-west corner of the site would also allow a less oppressive relationship between built form on the site and the neighbouring houses known as Yellow Sands, Tremeer and Pentrig.
15. The scheme design has attempted to address the DRP's concerns about the town houses by staggering their footprints and changing the alignment of the eastern-most dwelling. Whilst these 3-storey houses would still be prominent from the beach they would be set back behind the rear wall of the apartments and would thus be sited at a lower level as well as being of a much lower height than the apartments. The hotel building occupies much of this footprint already and extends considerably further forward at a greater height. The staggered footprints of these dwellings and their mono-pitched roofs would provide better articulated elevations than the hotel's comparable elevations viewed from the north-east.
16. The nearest town house is relatively close to the Sand Bay Holiday Flats and the town houses would be 3-storey buildings at a higher level. But these Flats are already dominated by the four storey hotel. Whilst the proposal would bring built development closer it would also introduce open space between the town houses and the eastern apartment block. Consequently the town houses would not materially detract from the character of this part of the site.
17. The town houses would undoubtedly block distant views of the dunes from Ponsmere Road and at its junction with St Piran's Road. However, these views are not open views of the wider landscape but are already constrained by existing built development. The closure of such existing glimpsed views of the

dunes is not sufficiently harmful to warrant dismissing the appeal. The Council has no objection to the impact of the nearest town house on the living conditions of the neighbours at the Sand Bay Flats now that the projecting balcony on its western elevation has been deleted.

18. The DRP suggested the garden houses could be re-orientated to provide far greater surveillance over the initial section of the rear pedestrian lane and the Council and the Police's Architectural Liaison Officer remain concerned about this aspect of the scheme. However, the lane is outside the site and at a lower level and the DRP acknowledged the limitations imposed by these constraints. The gardens of these dwellings will inevitably have fences of some description above the site's retaining wall but their first floor rear windows and steps to the gardens and east facing side window in the most southerly house are likely to have a view of people walking down this lane, which would provide some incidental surveillance without causing unacceptable overlooking of existing dwellings to the south.
19. Some sensitive lighting would also improve the safety of pedestrians using this lane at night and their perception of its safety. The provision and design of such lighting, which would need careful design in order not to harm the living conditions of neighbours, could be the subject of an appropriately worded condition.
20. Footprint Architects, who presented the Council's design case against the proposal, acknowledge that these proposed garden houses are a successful part of the development in keeping with the adjoining townscape. I conclude that the revisions to their design since the DRP meeting would help to improve surveillance of the lane. I also consider that the demolition of the 2-storey free standing block at the south-west corner of the site and its replacement with 2-storey houses offset from the boundary will also improve surveillance of this part of the lane that links Ponsmere Road to the Green and beachside whilst improving the living conditions of the neighbour at Tremear.
21. Footprint also acknowledges that the design of the restaurant is also generally satisfactory. I agree that this use, which encourages the general public's use of this western part of the site mirroring the current Sunset Bar of the hotel, is also a strength of the proposal in terms of its use and its design including retained access arrangements.
22. In its written representations and at the Hearing Footprint outlined its objections to the way in which the scheme design has been arrived at. It considers that it does not derive from or respond to a clear analysis of the site and its surroundings, neither the beach and dunes or the built vernacular of Perranporth. In particular, there is a hotchpotch of alien materials and the appellant's concept of the northern half of the site addressing the beach and the southern half the village is unsuccessful; the boundary of these two halves of the site is unresolved because it runs through the middle of the town houses. It also maintains that the landscaping scheme, based on divisions of the northern 'dune landscape' by timber groins running away from the apartments does not reflect the local landscape.
23. I agree that the boundary between the 'natural' northern part of the site and the 'village' southern part of the site is slightly unresolved in that it runs through the town houses. However, I consider there is sufficient space on the site to accommodate the town houses for the reasons set out above and it is

right that their northern side should address the beach in the same way as the apartment blocks. There are no groins on the beach, as is common in Cornwall. But the site is on a piece of land considerably higher than the beach and the groins are an effective way of helping to embed a more natural landscape treatment with a means of creating semi-private areas for the ground floor apartments.

24. In terms of materials I do not consider natural stone, white render, timber standing seam and sedum roofs, structural and powder coated aluminium glazing to be alien to Perranporth. Most of the newer buildings in the village are constructed in some or all of these materials, with the exception of blackened timber. There does seem to be a preponderance of this material on some of the scheme elevations, particularly the side elevations of the town houses and I acknowledge the Council's concerns over this. However, and as confirmed by the appellant at the Hearing, the facing materials to these elevations could be reserved by condition, to which it would not object.
25. In terms of the vernacular of Perranporth, the view of the village from the beach is characterised by the larger late Victorian villas on the top of the western slope and by some recent larger buildings. The rest of the village is mainly comprised of rather non-descript twentieth century residential bungalows and 2-storey houses and similar commercial units on St Piran's Road, although there are also some Victorian properties on Ponsmere Road and the roads leading off it.
26. The proposed design is unashamedly modern in style and this is one of the key objections to it. But other similar modern buildings have clearly been recently allowed by the Council in the village. The site is prominent and any replacement building(s), for reasons of economic viability, is realistically unlikely to be significantly smaller in terms of floor space or volume than the current hotel building. As such any redevelopment of the site would also, like the current hotel, be prominent from the beach and to a lesser extent from the village.
27. Hence the valid comparison is not between an undeveloped site and the current scheme but between the existing hotel and the appeal scheme. The design of the proposed development would be better than the existing hotel development on the site for the reasons set out above. I would add that, because the way the surrounding topography of the dunes to the north-east and the land to the west and south-west rises up away from Perranporth and Perran Beach, views of the village including the site are relatively constrained to when the approach roads start their descent unlike some other parts of the Cornish coast and so the impact of the development would be relatively localised.
28. In summary, the proposed development would be prominent from the beach and to a lesser extent from the village and the approach roads to it, but would otherwise be constrained by the topography of the local landscape. Its design would, despite its projection forward of the existing hotel closer to the promontory's edge and its increase in height, be an improvement on that of the current built development on the site. I conclude it would comprise good design appropriate to its context and would not harm the character and appearance of the area.
29. 'Saved' Policy 3D of the Carrick District Wide states, amongst other things, that permission will not be granted for development where it has a significant

adverse impact upon areas that provide i) a green background important to the character of the settlement; or ii) the most typical views of the town or village and the best views of the surrounding countryside from within the settlement. For the above reasons the proposed development would comply with this Policy, which accords with the overall aims of the National Planning Policy Framework (NPPF). Specifically, the blocking of the distant view of the dunes from Ponsmere Road is not one of the best views of the surrounding countryside for the reasons set out in paragraph 17 above, the proposal does not itself harm the dunes themselves, and in any case the limited harm arising from the blocking of such glimpsed views is outweighed by the positive design aspects of the proposal as a whole as set out above.

30. Paragraphs 17, 56-58, 60-61 and 64 of the NPPF all seek to promote good design appropriate to its context. For the reasons given above the proposed development would accord with these relevant paragraphs of national policy.

Other Matters

31. Many representations from third parties have been submitted regarding possible coastal erosion and flooding. The appellant has comprehensively set out these issues in a revised Coastal Processes Assessment (CPA) of the site by Jubb Consulting Engineers Ltd dated November 2014. This document takes into account the concerns initially expressed by the Council's Flood and Drainage Team Leader and the Environment Agency. It advises that the gabion baskets in the northern cove should be raised by 1m in height as part of the development and both these gabions and the western gabions adjoining the raised concrete footpath shall be replaced and strengthened within a timetable set out in Appendix H of the CPA. It is also proposed to stabilise the weaker ground of the slope above these gabions with a geo-environmental netting and landscaping scheme. The CPA addresses the implications of the Council's Shoreline Management Plan (SMP2).
32. I have considered the claims that the appellant does not control the land necessary to carry out these works, including the additional information forwarded by Cllr Callan following the Hearing. However, the appellant claims control of all the relevant land and has submitted evidence in support of that claim, which the Council accepts. Although contradictory evidence has been submitted by opponents of the scheme, it appears to me that there is a good likelihood that the appellant could carry out the necessary works and hence implement a planning permission tied to them. In these circumstances I consider that the matter can be properly addressed with a planning condition.
33. I have taken all other matters raised into account, including the effects of the proposed development on the living conditions of adjoining occupiers and the comments regarding the possible restriction of public access to the site. In terms of the former I note that the Council does not consider the proposal would harm these and I have no reason to disagree. In terms of the latter, the public would still be able to access the new restaurant by the existing steps, the steps to the kiosk on the beach and the lane to the south of the site. They would also be able to use the boardwalk between the two blocks of apartment buildings, as confirmed by the appellant at the Hearing. I am satisfied that a comparable level of public access to the site as currently exists would be retained.

34. The S106 agreement dated 8 June 2015 between the current owner of the site/hotel and the Council provides for four affordable dwellings and a financial contribution of £95,760 towards educational facilities to be provided in a phased way during the duration of the development in accordance with the Council's requisite policies. It was stated to me by the appellant at the Hearing that these will be the four houses on the south-westerly part of the site. This agreement would also bind the developer as a successor in title to the site. I am satisfied that these obligations accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended.

Conditions

35. The Council has suggested 10 conditions, all of which I consider to be necessary although I have amended some of the wording to meet the tests in the NPPF and Planning Practice Guidance. The numbered Conditions referred to are my numbering in the Schedule below although they match the Council's numbering.
36. Condition 2 is necessary for the avoidance of doubt and to ensure that the appellant can apply for minor amendments should it so wish. Condition 3 is required to ensure that the agreed reasonable amount of on-site parking is provided although I have amended this to allow for phasing of such provision as the dwellings are constructed as agreed between the parties at the Hearing. This Condition is necessary because there would be insufficient on-street parking on adjoining roads, and spill-over parking from the development would compromise highway safety and the amenity of adjoining residents. A Travel Plan is required in Condition 4 to ensure that the development promotes non car-based travel to and from the site in accordance with NPPF policy.
37. A Construction Method Statement and a Construction Traffic Management Plan are reserved for the Council's approval by Conditions 5 and 6 respectively, although I have added clause (x) to the former regarding no demolition in the prime tourist season as discussed at the Hearing. These are necessary to ensure neighbouring occupiers are not adversely affected during the construction phase and to ensure adequate highway safety in the site's vicinity.
38. Condition 7 reserving details of facing materials is necessary, in part as set out above in relation to the proposed materials including the blackened timber, to ensure that the appearance of the development is in keeping with the area. Condition 8 reserves details of all hard and soft landscaping (including the necessary lighting of the pedestrian lane to the south of the site as set out above) although I have also allowed the implementation of such works to be phased as per the agreement of the main parties at the Hearing. This condition is necessary to ensure the landscaping follows the strategy devised by the appellant and harmonises with the character and appearance of the area. It is reasonably necessary (in Condition 9) to ensure that a Class A3 use is retained as described because other Class A uses could potentially harmfully impact on neighbouring residents' living conditions.
39. Last, Condition 10 secures the necessary protection against potential coastal erosion and flooding. This should include details of foundations of the buildings, surface water drainage, the delivery of the strengthening works to the gabions and cliff face both at development stage and for the next 100 years and the means to ensure they are delivered, maintained and monitored effectively including by building up funds to be levied on the owners of the

dwelling hereby approved. As set out above, I am confident that the terms of this condition are likely to be capable of delivery by the appellant.

Conclusion

40. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions in the Schedule below.

Nick Fagan

INSPECTOR

Schedule of Conditions

- 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 drawings: all preceded by 25430_: P(0-)001, P(0-)002, P(0-)010, P(0-)015, P(0-)100 B, P(0-)110 A, P(0-)120, P(0-)200 K, P(0-)210 C, P(0-)211 C, P(0-)212, P(0-)215, P(0-)300, P(0-)400 E, P(0-)410 E, P(0-)500 F, P(0-)510 B, P(0-)600 B, P(0-)610 A, P(0-)700, LP(90)_001 A.
- 3) No dwelling shall be occupied until space has been laid out within the site for access parking and turning for that dwelling in accordance with the approved drawings and the said areas shall not thereafter be obstructed or used for any other purpose.
- 4) The development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority in accordance with Cornwall Council guidance: 'Travel Plans – Advice for Developers in Cornwall'. No part of the new development shall be occupied prior to implementation of those parts of 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 as long as any part of the development is occupied.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) hours of working and deliveries

- ix) location of site compound
 - x) demolition works to only take place between 1 October and 30 April
- 6) No development shall take place 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 contractor's arrangements (compound, storage, parking, turning, surfacing, drainage and wheel washing facilities). The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place 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 occupation of the various buildings proposed on the site (i.e. the apartments blocks, the town houses, the garden houses to the east of the vehicular access to the site and those to its west). The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials, minor artefacts and structures including signs and lighting (specifically including details of the lighting of the pedestrian lane to the south of the site); and retained historic features and proposals for restoration where relevant. The soft landscaping details shall include planting plans; written specifications; schedules of plants noting species; plant sizes; proposed numbers/densities; and a phased implementation plan. 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 damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 9) The restaurant shall be used for Class A3 Use and for no other purpose (including any other purpose within Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.
- 10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- (i) details of the proposed foundations of the proposed buildings;
 - (ii) details of surface water drainage in the proposed development to ensure it is directed away from the cliff edge;
 - (iii) details of the proposed strengthening works to the gabions and cliff slopes, including implementation as set out in the Coastal Processes Assessment by Jubb Consulting Engineers Ltd dated November 2014;
 - (iv) details of a monitoring and maintenance scheme regarding the condition of the cliff face.

APPEARANCES

FOR THE APPELLANT:

Duncan Powell	Director, Acorn Property Group (parent company of appellant)
David Stein	Head of Construction, Acorn Property Group
Russell Dodge BSc(Hons)	MRTPI Managing Director, Business Location Services Ltd
Alastair Wilson,	Director, Stride Treglown Ltd
Laurence Osborne DipTP	MRTPI Managing Director, Laurence Associates
Charles Tharnthong	Jubb Consulting Engineers
Peter Bachelor	Owner of the hotel

FOR THE LOCAL PLANNING AUTHORITY:

Peter Blackshaw	Planning Officer, Cornwall Council
Mike Ford	Footprint Architects
Peter Ward	Footprint Architects

INTERESTED PERSONS:

Cllr Michael Callan	Cornwall Council
Kenneth Yeo	Perranzabuloe Parish Council
Sally Turner	Local resident
Bob Turner	Local resident
Roger Kayes	Local resident
Nigel Davies MA DipUD DipUEM DMS MRTPI	Local resident
Emma Gaisford	Local resident
Lynden Hughes	Local resident
Colin Brewer	Local resident
Jeanne Barsch	Local resident
Caroline Roy	Local resident
Jenny Butterworth	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Attendance List
- 2 Signed S106 Agreement dated 8 June 2015
- 3 Google street view looking north up Ponsmere Road submitted by appellant
- 4 Costs application by appellant
- 5 Costs rebuttal by LPA