Planning Statement
for Mr D Jacques

Proposed Sustainable Homes (Plots 3 and 4)
Land adj. Airvanlea, Carninney Lane, Carbis Bay, Cornwall

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<td>Author(s)</td>
<td>Mr Andrew Golay MRTPI</td>
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1 Introduction

1.1 This professionally prepared Planning Statement demonstrates the reasons for approval of two new sustainable homes on a site well related to Carbis Bay. The statement will set out the planning policy context and explain the former condition of the site.

1.2 At a recent planning appeal (APP/D0840/W/16/3147883: July2016) the Planning Inspectorate awarded costs against Cornwall Council for failing to objectively assess the appeal development and its landscape impact. (Appendix A)

1.3 Submitted alongside this Statement is a detailed Landscape Character Assessment (LCA) which follows guidance contained in Cornwall Council’s own document titled ‘Judging Landscape Capacity: Development Management Toolkit’. This LCA enables an informed planning decision to be taken.

1.4 There are no adopted settlement boundaries to stipulate the extent of development in this area. Emerging planning polices ensure landscape protection through setting broad criteria to achieve sustainable growth.

1.5 The proposed development would conserve landscape character and the presumption is in favour of sustainable development; additional weight is attributed from the benefits of reusing despoiled land in accordance with Policy 22 of the eCLP.

1.6 The proposals enable sustainable growth while meeting housing demand.

2 Background

2.1 The applications follow on from the approved Plots 1 and 2 (PA15/02766). At the time of writing, these plots are nearing completion.

2.2 A recent planning application (PA15/12102) was submitted in December 2015 for Plot 3. This was refused in July 2016 for reasons of creating a sporadic form of development on the edge of Carbis Bay.
2.3 The decision is to be the subject of an appeal to the Planning Inspectorate (PINS) and these revised applications have been submitted in order to openly present the same evidence in support of the comprehensive planning application which includes Plot 4.

3 Policy Appraisal

The National Planning Policy Framework (the Framework)

3.1 The Framework’s Ministerial Foreword outlines that sustainable development is all about positive growth and development that is sustainable should go ahead without delay.

3.2 Paragraph 7 recognises that there are three dimensions to sustainable development: economic, social, and environmental. Paragraph 14 states that at the heart of the Framework is a presumption in favour of sustainable development and this is the golden thread running through both plan making and decision-taking.

3.3 Paragraph 14 states that for decision-taking, where the development plan is absent, silent or relevant policies are out-of-date, sustainable development means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.4 Due to the status of the development plan, this part of Paragraph 14 provides the main policy test for the proposal. The site does not fall within an area where development should be restricted. (Paragraph 14, footnote 9)

3.5 Paragraph 17 outlines 12 core land-use planning principles and highlights the essential need to take account of the character of different areas and recognise the intrinsic character and beauty of the countryside. Paragraph 17 also states that planning should encourage the effective use of land while conserving and enhancing the natural environment and reducing pollution.
3.6 **Submitted with this proposal is an assessment of the local character.** The proposal closely follows the prevailing pattern of development which encircles the site on nearly four sides. Major housing development is also imminent just 40 metres to the north of the site. The proposed home would be viewed solely within the context of surrounding built environment with a commensurate density, scale and design.

3.7 **Section 6, paragraph 47** of the Framework seeks to boost significantly the supply of housing and **Paragraph 49** outlines that housing applications should be considered in the context of the presumption in favour of sustainable development.

3.8 **Paragraph 55** of the Framework seeks to avoid isolated homes in the countryside while stating that housing should be located where it enhances or maintains the vitality of the rural community.

3.9 **Paragraph 109** states that the planning system should contribute to the natural and local environment by, among other things, protecting and enhancing valued landscapes, while preventing unacceptable risk from soil, air, water or noise pollution, or land instability. Furthermore, the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

3.10 **The development is able to conserve landscape value and achieve additional benefits through recouping the cost of remediation by reusing the formerly unstable and contaminated land.**

   National Planning Policy Guidance (NPPG) and Ministerial Statement (28 Nov 2014)

3.11 The NPPG (Reference ID: 23b-031-20160519) sets out the circumstances where tariff style contributions should be sought, stating that contributions should not be sought on developments of 10 units or less. The 2014 Ministerial Statement explains that the policy has been implemented in order to help diversify the house building sector through supporting small scale developers and thereby increasing housing supply.
Consultation on proposed changes to National Planning Policy Dec 2015.

3.12 As set out above, the Government is keen to boost housing supply and support small scale developers. At the start of 2016, the Government consulted on making National Planning Policy clearer with regards to small sites on the edge of settlements (paragraph 23 and 24):

In light of the clear benefits set out above of enabling development on small sites, we want to ensure that all proposals for sustainable development on small sites of less than 10 units are strongly supported by national policy... We also intend to make clear that proposals for development on small sites immediately adjacent to settlement boundaries should be carefully considered and supported if they are sustainable.

The social and economic benefits of enabling small sites are set out as including:

– Providing opportunities for small and medium scale companies;
– Increase build-out rates;
– Creating jobs and sustaining local growth; and
– Making effective use of developable land.

Penwith Local Plan 2004 (PLP)

3.13 The adopted Development Plan for the area consists of the saved policies from the Penwith Local Plan 2004. Policy H3 forms part of the distribution strategy and targets housing growth towards the main towns including St Ives with Carbis Bay. The Penwith Local Plan did not provide settlement boundaries. Policy H8 says that housing will not be permitted outside the main towns and villages unless there are special circumstances.

3.14 The housing policies in the PLP are based on housing need evidence from around the year 2000. The policy was formed under the guidance of Planning Policy Guidance 3 and the Cornwall Structure Plan. The PLP housing distribution strategy and the relative policies, including H3, are therefore considered out-of-date.
3.15 **Policy TV1** also states that development will be focused on the towns of Penzance Newlyn St. Ives, including Carbis Bay and Hayle. The policy highlights that proposals on the edge of a settlement should be well integrated into the form of the settlement; not have an adverse effect on wider environmental value; and be of a scale and design in keeping with local character. **Policy CCS** states that development will not be permitted where it would cause significant harm to the character and amenity of the Areas of Great Landscape Value.

3.16 The proposal would be integrated with the settlement in terms of its scale siting and design, and conserves the wider values of the landscape while avoiding significant harm.

**The emerging Cornwall Local Plan (eCLP)**

3.17 As the eCLP has evolved through its stages, its policies have been refined and amended accordingly. A current schedule of post hearing changes was published in June 2016 for further consultation and review; at the time of writing, this review is still underway. It is believed there are still objections which remain unresolved and the policy wording is likely to be the subject of further refinement.

3.18 Two recent appeal decisions show that the Council has not yet been able to adequately demonstrate a five-year land supply. (APP/D0840/W/16/3147376, para 20: JULY2016; and 16/3148723, para 8: AUG2016) (Appendix B)

3.19 As part of the housing distribution strategy, **Policy 2 and 3** of the eCLP are relevant. **Policy 2** states that growth should provide a well balanced mix of economic, social and environmental benefits, providing homes and jobs in a proportional manner based on the role and function of each place.

3.20 A refinement to **Policy 2a: Key Targets** was implemented through the Examinations in May 2016 to more clearly express the housing target as a minimum figure (Post hearing Change 7b). In general terms, **Policy 3** seeks to further ensure that the scale of development is appropriate to the character of the area and the size and role of the settlement.

3.21 **Policy 3** also says that Development at or well related to the named towns will provide an appropriate level of affordable housing in accordance Policy 8 thresholds as set out in the NPPG.
3.22 In parts, Policy 3 remains unclear. The distinction and applicable criteria between permitting small sites on the edge of rural settlements, against permitting small sites on the edge of Cornwall’s main towns (including St Ives with Carbis Bay) has not yet been clarified.

3.23 In light of this, during the previous application process, contact was made with the Cornwall Council’s Planning Policy Team. The Council Officer stated that the starting point for testing the principle of development at these main towns was to assess whether the site is well related to, and abutting the settlement edge; the proposal meets these criteria.

3.24 Policy 22 seeks to ensure the best use of land, stating that encouragement will be given to sustainably located proposals that use despoiled, degraded, derelict and contaminated land provided that it is not of high environmental or historic value.

3.25 Policy 23 says that development proposals will need to sustain local distinctiveness and character and, where possible, enhance Cornwall’s natural environment according to their international, national and local significance. Development within Areas of Great Landscape Value (AGLV) should maintain the character and distinctive landscape qualities of such areas.

3.26 These policies (22 and 23) are consistent with Paragraph 109 of the Framework. The site is within an AGLV. The proposal conserves wider landscape values while bringing into good use formerly unstable and contaminated land.

The St Ives Neighbourhood Plan (SINP)

3.27 The SINP passed its referendum on the 5th May 2016. Since then, a judicial challenge has been made against the SINP. The SINP is therefore not part of the Development Plan and polices are afforded varying degrees of weight.

3.28 Policy GD1 states that proposals will be supported where development is sensitive to its surroundings; there is no significant adverse impact; and on the outer fringes of the built up area, proposals incorporate semi-mature street planting and hedges to boundaries with open countryside.
3.29 **Policy OS1** states that development will not be permitted in designated landscape areas (including AGLVs), unless: it is demonstrated that no significant adverse landscape impact would occur; there would be no adverse environmental impact in terms of the number of trips generated; and the site is capable of being effectively integrated into the surrounding landscape through landform and appropriate planting.

3.30 **Policy OS5** states that development on the edge of settlements should not have significant adverse effect on the landscape setting and should not result in the merging of settlements.

3.31 **Policy OS6** designates a number of areas where development is not permitted in order to avoid harm to the quality of the surroundings.

3.32 The site and the immediate area has not been designated by OS6, and while it falls within the edge of the AGLV, the submitted landscape assessment shows that development integrates with the settlement while conserving the environmental values of the area.

4 **Comparison Decisions**

4.1 At Appendix G, officer reports and a 2011 appeal decision (with site location plans), highlight how similar nearby approvals have been judged as acceptable within this locality on the fringe of Carbis Bay.

5 **Planning Assessment**

The Character of the Site

5.1 The Site comprises part of an area of extensive mining activity. The 1892 OS Map at Appendix C and the mining report at Appendix D (see survey drawings page 32 and 33) is evidence of this former use. The property named ‘Airvanlea’ was a mine pumping house from this time; it was converted and extended to a dwelling in the early 1990s.

5.2 Also at Appendix C, aerial maps from 2001 show the Site as part of the same land holding as the residential dwelling. Throughout the last 15 years, these aerial images show varied maintenance of the grassed area at Plot 3 and 4. Particularly the aerial maps of 2005 and 2009 show these areas well-trimmed alongside Airvanlea’s main garden. An annotated aerial image is provided below for easy reference.
5.3 Formerly a Leylandii hedge was used to divide up the garden. This separated the lower (east) part of the garden for convenient maintenance and helped screen the commercial activity and more despoiled parts of the site to the west of the proposed plots. The track that passes along the south boundary, encircling Plots 3 and 4, provides a separate access to this west land. This west area was formerly used for the storage of a landscaping business’ tools, equipment and green-waste.

5.4 A variety of containers, old railway carriages and outbuildings were placed across the land. These can be seen in the aerial shots and photos taken prior to the mine shafts being remediated (Appendix E) – at this stage, prior to the extensive ground works, the photos show the land in a more unmaintained state.
5.5 The site and surrounding area has suffered ground instability due to the past mining activity. In 2013 a mine shaft opened up in the main garden of Airvanlea in the position of Plots 1 and 2. In order to finance the essential re-capping of this shaft, the then owner gained planning permission for Plots 1 and 2, and then sold all the land to the current owner who is a small scale, local developer with experience of mine remediation.

5.6 As the mine shaft was capped, investigations revealed a large number of other vulnerable mine features within the garden. The total number of remediate mining features exceeds 22 with remediation costs above £350K. (Appendix D)

5.7 The mining landscape also extended east of the Airvanlea site. The neighbouring housing estates of Polwithen Drive, Knill Close and Wheal Speed Road are all built on former mining land. Over the years, unstable mine shafts have opened-up throughout this area of Carbis Bay, and recently under the neighbouring housing estate.

5.8 There has been press coverage (Appendix F). Naturally, as work was being undertaken close by, the developer of Plots 1 and 2 received the blame. The press reports show that, without any obligation, and while avoiding insurance companies and the courts, this local developer has worked with the neighbours and made their properties safe.

**Area of Great Landscape Value (AGLV)**

5.9 National and local planning policies aim to conserve and enhance landscape quality and character while avoiding significant harm. In addition, Policy 22 of the eCLP aims to ensure the best use of land, and in achieving this, encouragement is given to sustainable proposals that use despoiled, degraded, derelict and contaminated land, provided that it is not of high environmental or historic value.

5.10 It is submitted that the proposal accords with these policies. Firstly, as set out in elsewhere in this statement, the submitted landscape assessments demonstrate that the development would integrate with the existing urban environment while being screened from wider rural views. The landscape value of the AGLV would therefore be conserved.
5.11 Previous to the essential remediation undertaken by the local developer, the land was despoiled and contaminated with mining waste. It is also evident that the site (and neighbouring sites) suffered ground instability.

5.12 The Government recognises the need to support small scale developers through making developments more viable and through enabling small housing sites such as this one. While it is demonstrated that the Proposal conserves the landscape character, and while ground conditions have been decontaminated and made safe, the proposal enables this small scale business to recoup existing losses borne through the costly remediation work in this locality. Furthermore, the development makes good, efficient use of previously despoiled land. Therefore, it is reasonable to consider the proposal and this site in the context of Policy 22 of the eCLP.

**Sporadic**

5.13 The previous application for Plot 3 was refused for reasons of it creating sporadic development. The dictionary definition of ‘sporadic’ is: ‘Occurring at irregular intervals or only in a few places; scattered or isolated.’ (www.oxforddictionaries.com 6SEP2016).

5.14 This proposal cannot reasonably be described as falling within any of these definitions. It would sit adjoining an existing housing estate on the edge of Carbis Bay, alongside other housing developments and shouldered at the south by a track, a large Cornish hedge and a new stable building.

**Well related**

5.15 The proposal follows the established patterns created by Carninney Lane and neighbouring housing estate. At the south, a substantial Cornish Hedge and track delineates the edge of the site and acts as physical feature which screens and separates the development from the agricultural countryside to the south. To the west, the land rises and this gradient with vegetation creates additional screening which encloses the development from wider views while placing it within the context of the existing suburban character.
5.16 The site is well related to the settlement. This is further evidenced by the recent approval 130m further south along Carninney Lane. Although this other proposal has different characteristics, the case officer reports that the area is a sustainable location, adjacent to the urban area of Carbis Bay and, in this sense, ‘the sustainability of the location ensures that the proposal to create a new dwellinghouse is acceptable in principle’. Both proposals are situated on the west of Carninney Lane and are similarly well related to the edge of Carbis Bay.

5.17 The professional Landscape Character Assessment demonstrates how the proposal will affect the character of the natural landscape. Also accompanying the proposal for 34 houses on the adjoining site to the north, a Landscape and Visual Impact Assessment was undertaken.

5.18 These thorough landscape assessments conclude that development can be accommodated within the context and without causing undue harm to the landscape and its visual resources. Both of these sites have very similar landscape characteristics and the resultant developments will be perceived as part of the same area.

5.19 In conclusion, the site is not, and was not, of high environmental or historic value. Its use was adjunct to residential curtilage. The ground condition was despoiled, contaminated and unstable. Furthermore, while the proposed development is capable of conserving landscape character, the presumption in favour of sustainable development should be enacted while additional weight is attributed from the benefits of reusing despoiled land. The proposal thereby accords with both the National Planning Policy Framework and relevant policies of the emerging and adopted development plan for the area.

Other Material Considerations

Access

5.20 As reported by the Council’s Case Officer during consideration of former applications, the access to the site already serves residential properties to the south and it is considered the additional traffic would not be significant and would avoid conflicts with other users of the lane and the public right of way.
Affordable Housing

5.21 National planning policy has implemented planning obligation thresholds which apply to small sites of 10-units or less, and 5-units or less. It is submitted that an affordable housing contribution is unjustified on this small scale site.

6 Conclusion

6.1 The proposal is part of a comprehensive development of formerly despoiled, contaminated and unstable land.

6.2 The proposal follows the prevailing pattern of development and the site benefits from existing development on nearly four sides. The proposed homes would be integrated with the settlement and viewed within the context of surrounding built development with a commensurate density, scale and design.

6.3 The proposal provides an appropriate and viable reuse of despoiled land; creates a new home in a sustainable location; and meets with the wider aims for boosting housing supply.

6.4 The submitted Landscape Character Assessment demonstrates that the proposal conserves the values of the wider landscape and causes no significant harm.

6.5 There is doubt surrounding the Council’s ability to demonstrate a five-year land supply. While other nearby developments have been deemed acceptable and approved in the immediate locality, the presumption falls heavily in favour of developing Plots 3 and 4. There are no other relevant material considerations that outweigh the benefits.

6.6 It is therefore concluded that the Proposal accords with both the National Planning Policy Framework and the Development Plan.

Prepared by:
Andrew Golay MRTPi
Chartered Town Planning
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