

**PLANNING STATEMENT**

**TO ACCOMPANY**

**FULL PLANNING APPLICATION**

**IN RESPECT OF**

**RETENTION OF DWELLING, DETACHED GARAGE, AND ASSOCIATED**  
**ACCESS**

**‘HIGHWATER’**

**SHUTTA LANE**  
**LOOE**  
**PL13 1HW**

**FOR**

**MR L TANSLEY**

**MAY 2021**

**Prepared by Mark Andrews Planning**

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**Chartered Town Planner**



## **1.0 INTRODUCTION**

- 1.1. Mark Andrews Planning has been commissioned by Mr Laurence Tansley to submit a planning application for the retention of his dwelling and garage at 'Highwater', Shutta Lane, Looe PL13 1HW.
- 1.2. Planning permission was granted for a dwelling and detached garage on the site under planning permission Ref No.PA12/00739 granted on the 22<sup>nd</sup> March 2012. However, my client was advised by Planning Officers of Cornwall Council that non compliance with two pre-commencement planning conditions attached to the planning permission had technically rendered the dwelling as being 'unlawful' under the Planning Acts. My client is moving to a new home and is therefore seeking to sell his existing dwelling and has elected to submit a further planning application as the most expedient and quickest means to regularise the status of his current dwelling.

## **2.0 THE SITE**

- 2.1 The application site is located in an existing residential area within the coastal town of Looe. The property occupies an elevated position on the eastern valley side of the Looe River, overlooking the Mill Pool . The site comprises an existing dwellinghouse with detached garage and associated garden and driveway area . The dwelling is arranged over three floor levels, beneath a large gable ended natural slate roof. A detached, flat roofed garage is located to the front of the dwelling. The property upon which the dwelling is sited is steeply sloping and was originally extensively excavated to enable the construction of the dwelling. Steps lead up to the front doorway of the dwelling.
- 2.2 There is a small steeply sloping shrub bed to the front of the dwelling and garage. To the rear of the dwelling is a levelled area extending from the rear door of the dwelling. Beyond that is a rock cut approx. 3 metres high, above which is situated a further area of garden space. There is one mature Ash tree in the garden and a number of saplings.

- 2.3 The curtilages of neighbouring residential properties abut the northern and southern boundaries of 'Highwater'. The dwelling follows the building line created by the dwellings on either side of it.
- 2.4 Vehicular access to the property is gained via Shutta Road to the front of the dwelling. Elm Tree Road is located at a level above the dwelling and defines the eastern boundary of the property.
- 2.5 The dwelling is located in the Looe Conservation Area. The whole area of the town is designated an Area of Great Landscape Value (AGLV). The dwelling is also located within an Article 4 Direction Area in respect of the holding of markets and the erection and placing of moveable structures on the ground. A further Article 4 Direction relates to alterations of buildings.

### **3.0 PLANNING HISTORY OF THE SITE**

- 3.1 My client originally purchased the undeveloped land in 2011, in order to build a dwelling for his family. The land was originally part of the garden area of the bungalow known as 'Jackdaw Cottage' to the north. Some excavation of the site had already occurred prior to his purchase of the land.
- 3.2 Prior to my client's purchase of the property there was an extant planning permission (Ref No. E2/07/01458/FUL) for a pair of semi-detached dwellings with detached garages on the land.
- 3.3 Mr Tansley submitted a planning application (Ref No. PA11/05628) for the construction of a contemporary flat roofed designed house and garage which was refused planning permission by the Planning Committee in December 2011 on the grounds that the design adversely affected the character and appearance of the Conservation Area.
- 3.4 My client then redesigned the proposal, and submitted a new planning application (Ref No. PA12/00739) incorporating a natural slate pitched roof design which was granted planning

permission on the 22<sup>nd</sup> March 2012. The dwelling as currently seen on the application site is based upon the drawings which were granted approval under this permission.

- 3.5 Mr Tansley started construction of the dwelling on the site in April 2012 and construction was completed in March 2013.
- 3.6 Planning Permission PA12/00739 was granted subject to eight planning conditions. Three of the planning conditions (Conditions Nos.3,4 and 7) were in the form of 'pre-commencement conditions' requiring certain matters to be approved by the local planning authority prior to commencement of development on the site. Planning condition No.3 related to seeking approval to tree protection fencing and Planning Condition No.4 related to seeking approval of soft landscaping details. The remaining pre-commencement condition No.7, relating to the submission of a Construction Management Plan was approved on the 2<sup>nd</sup> May 2012 under planning permission Ref No.PA12/03246.
- 3.7 Planning application Ref No. PA12/03823 seeking discharge of Planning Conditions 3 and 4 was submitted to the local planning authority on the 13<sup>th</sup> April 2012. The details of landscaping and tree protection fencing submitted on behalf of my client were considered by the planning officer and in the following year on the 15<sup>th</sup> January 2013 my client's architect received an email from the planning officer indicating that the submitted details were not acceptable for the following reason:

*'Condition 3 requires that tree protection measures be agreed by the Local Planning Authority prior to the commencement of development on site. As of the 14<sup>th</sup> January 2013 it is understood works are nearing completion on site. As works have commenced without tree protection measures having been agreed by the Local Planning Authority, Condition 3 cannot be discharged.'*

- 3.8 The email also indicated by an almost identical wording that Condition 4 could not be discharged for the same reason.

3.9 In the interest of expediency my client has decided to submit this current planning application for the 'Retention of the dwelling and garage' so that he can move forward as quickly as possible with making arrangements for the sale of his property.

#### **4.0 THE PROPOSAL**

4.1 Planning permission is sought for the retention of the dwelling and detached garage as built on the site as indicated on the submitted drawings accompanying this application. It is important to note that it is also the same dwelling as granted permission in March 2012.

#### **5.0 HOW THE PROPOSAL SATISFIES THE DEVELOPMENT PLAN**

5.1 The Cornwall Local Plan Strategic Policies 2010-2030 (CLP) comprises the 'Development Plan' for the area and sets out the local planning policies which are applicable to my clients' proposal. The CLP provides a land use framework for Cornwall and the area of the application site.

5.2 Policy 1 of the CLP "Presumption in favour of sustainable development states, inter alia:

***When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and set out by the policies of this Local Plan"....."When considering whether a development proposal is sustainable or not, account will be taken of its location, layout, design and use against the three pillars of economic development, social development and environmental protection and improvement.***

5.3 With regard to the 'economic pillar' the development provided employment for local architectural and other consultancies. The construction of the dwelling also provided work for local building and other contractors. Good and materials were also purchased from local suppliers and shops. The subsequent occupation of the dwellings provides an on-going demand for shops and local services.

- 5.4 In terms of the 'social pillar', the scheme has been well designed to provide high quality living accommodation for its owners. The dwelling offers a range of amenities which are enjoyed by the occupiers. The location of the dwelling within the town provides my clients with opportunities for social interaction, entertainment and other cultural pursuits.
- 5.5 With regard to the rural 'environmental pillar' the development has taken place within an existing built up area of the town and within the wider context of development it has had minimal physical impact. The dwelling is contemporary in appearance and was designed to make a positive architectural contribution to the locality. It has been accepted by the Conservation Officer and the Planning Officers at the time of considering the original application that the proposed dwelling preserves the appearance of the Conservation Area. The dwelling was designed to achieve a high level of sustainable design and incorporates rainwater harvesting and fenestration designed to achieve passive heat gain from the sun.
- 5.6 The Cornwall Local Plan indicated that most housing growth should go to the main towns where the needs are greatest and are best provided with shops and services.
- 5.7 Outside of the main towns, which includes Looe, Policy 3 of the Cornwall Local Plan indicates that housing will be delivered through:
- Identification of sites through Neighbourhood Plans,
  - Rounding off of settlements of previously developed land within or immediately adjoining that settlement,
  - Infill schemes that fill a small gap in an otherwise built frontage and do not extend the settlement into the open countryside.
- 5.8 The development subject of this application occupies the former garden area of 'Jackdaw Cottage' to the immediate north of the application site. On the south side is situated another dwelling known as 'West View'. Collectively the dwellings form part of a longer row of dwellings which front onto the public highway (Shutta Road). The development therefore satisfies the definition of 'infilling' and the principle of residential development

is therefore secured. Furthermore, the plot has been planning permission for the construction dwellings earlier in its history including planning permission having been granted for the same development in March 2012.

5.9 With regard to the above facts there can be no question in planning terms that the principle of development for a dwelling has been unassailably established.

5.10 Other relevant Cornwall Local Plan Policies will be referred to in the 'Planning Considerations' section of this statement.

## 6.0 NATIONAL PLANNING POLICY FRAMEWORK

6.1 The National Planning Policy Framework (NPPF) was updated in February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

6.2 Paragraph 7 of the NPPF indicates the purpose of the planning system is to contribute to the achievement of sustainable development. As indicated earlier in this supporting statement, the three 'pillars' to sustainable development are: economic, social and environmental.

6.3 Paragraph 11 states inter alia:

***For decision-taking, this means: -Approving development proposals that accord with the development plan without delay***

6.4 Paragraph 38 states inter alia:

**Local Planning Authorities should approach decisions on proposed development in a positive and creative way.....Decision-makers at every level should seek to approve applications for sustainable development where possible.**

6.5 Paragraph 47 states inter alia:

**Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.**

6.6 Paragraph 59 states inter alia:

**To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.**

6.7 Successive governments have consistently laid great emphasis on increasing the supply of housing in England to meet the acclaimed ever increasing housing shortage. Ministerial statements have referred to the need to 'build, build, build' in relation to housing. More recently there have been indications that the government is moving to attach more weight to the value and role of house building to the well-being of the economy, particularly in response to effects of the ongoing COVID pandemic.

6.8 Paragraph 68 indicates inter alia:

**Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.**

## **7.0 NEIGHBOURHOOD PLANNING POLICY**

7.1 Looe Town Council over the last four years has been preparing a Draft Looe Neighbourhood Plan.

7.2 The Ministry of Housing, Communities and Local Government advice indicates that there are 7 Key Stages to the Neighbourhood Plan Process. The Draft Neighbourhood Plan is currently at Stage 4 (Regulation 16 Stage). At Stage 4 the Draft Neighbourhood Plan is submitted to the local planning authority in order that the proposals can be checked for compliance with the relevant legislation. This check has been completed and the draft plan has been recently published between (4<sup>th</sup> March 2021 to 13 May 2021) to enable all



interested stakeholders, including the general public to be able to comment further on the draft policies it contains.

7.3 It is relevant to note that the Looe Town Council website indicates that Cornwall Council has suggested a number of word changes and has indicated that the evidence for a primary occupancy condition (Draft Policy TOUR 7) was not probably justified by the evidence. This is a significant matter in respect of whether the draft policy is likely to be accepted and whether any weight can currently be attributed to the Draft policy in terms of assessing my clients planning application.

7.4 The next stage will be for Cornwall Council to consider the further comments received, and if appropriate, to appoint an Independent Examiner for Stage 5 who, if content, will then arrange to carry out an Independent Examination of the Draft Neighbourhood Plan Policies. If the Examiner is satisfied with the proposed policies a public Referendum will be organized.

7.5 Draft Policy 'TOUR 7' CONTROLLING THE SPREAD OF SECOND HOMES AND HOLIDAY LETS states:

***A. Principal Residency.***

***1. New open-market housing (excluding replacement dwellings) will only be supported where there is a condition restricting occupancy as a Principal Residence. Principal residences are defined as those occupied as the residents' sole or main residence, where the resident spends the majority of their time when not working away from home or living abroad.***

***2. Sufficient guarantee must be provided of such occupancy restriction through the imposition of a S106 legal agreement. The obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them. Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation , and be obliged to provide this proof if/when Cornwall Council requests this information. Proof of Principal Residence is via verifiable evidence which could include, for example (but not limited to)***

***residents being registered on the local electoral register and being registered for and attending local services such as healthcare and schools.***

***B. Holiday Let Restrictions.***

***1. Proposals to introduce a new restriction that limits an existing domestic dwelling to use as a holiday let will not be supported.***

***2. Proposals to remove an existing restriction that prevents using a building as a holiday let will not be supported.***

7.6 It is submitted that owing to the stage that the plan has reached in the plan making process, combined with the significance of the objection notified by Cornwall Council regarding the alleged lack of justification for this potentially very significant policy proposal, only little weight can be attributed to the contentious Draft Policy TOUR 7 in the consideration of the current planning application.

7.7 In these circumstances, it is clear that it would be both unreasonable and premature to impose any Principal Residence Condition upon my client's development.

**8.0 OTHER PLANNING CONSIDERATIONS**

8.1 In addition to considering the principle of the development, which has been dealt with in paragraphs 5.1 to 5.8, there are also a number of other planning considerations which need to be made in assessing the proposal for the retention of the dwelling . These are:

1. Effect upon the character and appearance of the area
2. Effect upon amenities of existing residents
3. Highway safety, access, and car parking
4. Effect upon the Historic Environment
5. Landscaping & Trees
6. Flood Risk and Drainage
7. Ground Stability

8.2 It is important to note, that all of the above issues have been previously considered by the local planning authority and assessed to be satisfactory. For ease of reference a copy of the

Planning Officer's delegated report in respect of Planning Application PA12/00739 is attached as Appendix 1, which recommends approval to the development.

### 8.3 Effect Upon the Appearance and Character of the Area

- 8.4 The application site is located within the Looe & Seaton Valleys Area of Great Landscape Value (AGLV) which is an areas of high landscape quality with strong and distinctive characteristics which make them particularly sensitive to development. Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) indicates that development proposals will need to sustain the local distinctiveness and character and where possible enhance Cornwall's natural environment.

Sub-policy 2(b) states:

***Development within the Heritage Coast and/or Areas of Great Landscape Value should maintain the character and distinctive landscape qualities of such areas.***

- 8.5 Photograph 1 below indicates my client's dwelling (circled in red) in its setting.



Photograph 1

- 8.6 The photograph illustrates the steeply sloping terrain, typical of Looe, with the dwelling subject of this application surrounded by other residential development. There are a large variety of house styles in the locality including detached, semi-detached and terraced . Most are two storeys in appearance but there are also single storey and three storey dwellings shown in the photograph. In the context of this variation in styles and design, the application dwellings subject sits comfortably in its surroundings. On the northern side of the application site is a single storey dormer bungalow and on the southern side a two storey building in appearance . ‘Highwater’ sits between the two and makes a comfortable transition between the two house styles. The dwelling visually appears to sit at the same level as the dormer bungalow on the northern side and its ridge line does not extend above the neighbouring dwelling to the south.
- 8.7 The detached flat roofed garage to the front of the dwelling , due to its use of materials comprising fair faced blockwork with horticultural mesh attached for climbing plants and additional screening vegetation is visually very subdued when viewed from Mill Pool Car Park.
- 8.8 The dwelling is centrally located within the plot and Photograph 1 indicates how a margin of space between the dwellings has been preserved which allows the dwelling to be ‘framed’ by vegetation which is a visually distinctive quality of development in the built up area of Looe.
- 8.9 The design of the dwelling is contemporary and provides four bedroomed accommodation arranged over three floors. There is extensive fenestration and balcony treatments to the west elevation beneath a steeply sloping natural slate roof. The elevations are in white render similar to many other dwellings in the locality with cedar cladding to the apex area beneath the roof. The windows and doors are colour coated aluminium.
- 8.10 The Conservation Officer, in respect of the earlier approved dwelling, which is of course, the same dwelling ‘as built’ on the site, commented as follows:

***'The building is to be a low profile building which sits back into the hillside with finished materials of render and glass with colour coated aluminium doors and windows. The pitched roof will be angled back to exploit the views and sunshine. Whilst this is not a traditionally designed property it does sit quite well alongside its neighbours – a single storey dwelling to the north and a traditional 2 storey building to the south. The main views of the site will be long distance views across the river from West Looe. From this distance the new development will not appear to be visually dominant or intrusive and amongst other detached dwellings in large gardens will not appear alien. I think that there is scope for a contemporary designed quality property in this location which would not harm the character or appearance of the conservation area. I have no objections to the development.'***

- 8.11 The application dwelling due to the terrain is heavily cut into the hillside similar to most other dwellings on this steeply sloping valley side. Photograph 2 below indicates the extent of the cut to the side of the dwelling and shows how the dwelling relates to the southern boundary of the property. 'Re-greening' of the cut ground face is evident in the photograph.



Photograph 2

8.12 The design of the scheme and the landscaping which has matured on the site since the dwelling's construction has ensured that the development respects the AGLV.

8.13 Looe Town Council previously '**Supported**' the design and appearance of the development and its effect upon its surroundings when consulted on the earlier planning application for the same development.

8.13 In summary, the effect of the development upon the appearance and character of the area is considered to be reasonable. The proposal has been previously granted planning permission, Development Plan policies have not changed such as to justify any other decision , and therefore there is no reason to withhold the granting of planning permission for the same development once again.

#### 8.14 **Effect Upon Amenities of Existing Residents**

8.15 The dwelling was designed to be respectful of the amenities of neighbouring dwellings.

8.16 The rear (east) elevation of the dwelling, because it is heavily excavated into the hillside, the window only affords views into the steeply sloping ground behind the dwelling.

8.17 To the side elevations (north and south), there are only two windows, one on either side of the dwelling. Photograph 3 shows the view from within the dwelling looking through the window on the southern elevation. As can be established from the photograph, the view provided is only into the side of the 1.8 metre high boundary fence and there is no overlooking of the neighbour property.

8.18 The high level obscure glazed window to the ensuite bathroom on the ground floor of the northern elevation does not afford the potential to cause a loss of privacy to the neighbour. Furthermore, the attached drawings indicate that this window is at ground level on the outside.



Photograph 3

8.19 The main elevation (west) contains extensive fenestration affording panoramic views over the roof tops of Mill Pool and the Looe Valleys. Photograph 4 below, was taken from the



third floor balcony of Highwater facing downwards over the flat 'green' roofed garage demonstrates that even looking in a downwards direction, the view achieved is primarily of rooftops of dwellings located much further down the valley side. Some dormer windows

are visible but they are at an oblique angle and too far away for any loss of privacy to be caused.

8.20 It is possible to look downwards and to the sides to see into part of the front gardens of the adjacent dwellings but the eye is drawn to the exceptional views across the Looe Valley rather than into the neighbouring gardens. The former occupiers of West View (part of the garden shown in the photo on the left hand side) did object to the original application due to loss of privacy. Whilst it is acknowledged that if one was minded to, you could intentionally view obliquely in a downwards direct to view part of the neighbour's garden but this is not where the eye is naturally drawn, because of the spectacular views towards the Mill Pool and beyond.

8.21 A lesser oblique downwards view can also be achieved towards Jackdaw Cottage, to the north, but it is only a glimpse of a very small part of the front garden.

8.22 The degree of overlooking that can be achieved of part of the neighbours' gardens is not of a magnitude to materially affect the assessment of the current proposal.

8.23 The Planning Officer, in respect of the earlier application for this same dwelling, records on the issue of overlooking as follows:

***'.....on balance it is not considered the privacy of these occupiers will be significantly harmed as a result of the proposed development.'***

8.24 The 'as built' dwelling contains a roof light on the northern roof slope. The roof light provides light to the open plan kitchen area . The attached Planning officer's report makes comment on this roof light. The officer assessment made before the building was constructed was that it could cause some loss of amenity to Jackdaw Cottage. However, as Photograph 5 below of the roof light clearly demonstrates, in actuality , it is only a 'sky view 'that can be achieved from the roof light, which is positioned high above head height.





8.25 The Planning Officer attached planning condition (No.8) to the earlier permission (Ref No.PA12/00739) to require obscure glazing of this sky light and the window on the first floor on the south elevation which is referred to in Paragraph 8.17 above. Given that it is now demonstrated that neither the sky light nor the window provides any potential whatsoever to overlook any part of the neighbours' property it would be unreasonable to attach the content of Planning Condition No 8 to any permission to be issued in respect of the current planning application.

8.26 There are no significant issues of overshadowing or other amenity issue associated with this development

8.27 In summary, the effect of the development upon residential amenities is considered to be satisfactory . The proposal has been previously granted planning permission, Development Plan policies have not changed in a way such as to justify any other decision, and therefore

there is no reason to withhold the granting of planning permission for the same development once again.

## **8.28 Highway Safety, Access, and Car Parking**

8.29 Access from station Road (the A387) is via the narrow and tortuous Shutta Road. The physical topography and historic development patterns in the area has given rise to the nature of Shutta Road which serves the wider residential area. Whilst the public road does not meet modern design standards, it has nevertheless always been accepted by the Highway Authority as a means of vehicular access in this part of Looe Town.

8.30 Photograph 6 below indicates the existing access serving Highwater. The existing access from Shutta Road is partly shared with Jackdaw Cottage. The sloping access is surfaced with porous tarmac. In respect of turning arrangements, the earlier attached Planning Officer's report comments that Shutta Road is a one way street and thereby it is not considered necessary for there to be tuning within the site.



Photograph 6

- 8.31 Traffic speeds and flows are low on the public highway due to the narrow width and horizontal alignment of Shutta Road, making reversing movements safer to achieve. The access is functional, despite the prevailing limitations of the roads in this part of the Town.
- 8.32 With regards to parking, one space is provided within the existing garage and two spaces have been retained to serve Jackdaw Cottage and there is further parking available on the driveway in front of the garage door. As the development is located close to the centre of Looe Town allowing pedestrian access to a range of shops and services the level of parking provided is regarded to be acceptable.
- 8.33 In summary, the existing highway access and parking arrangements are considered to be acceptable. The proposal has been previously granted planning permission, Development Plan policies have not changed in a way such as to justify any other decision, and therefore there is no reason to withhold the granting of planning permission for the same development once again.

#### **8.34 Effect upon the Historic Environment**

- 8.35 The application site is located within the Looe Conservation Area. Policy 24 of the Cornwall Local Plan states inter alia:

***Development proposals will be permitted where they would sustain the cultural distinctiveness and significance of Cornwall's historic rural and urban environment by protecting, conserving and where appropriate enhancing the significance of designated and non designated assets and their settings .....Development proposals will be expected to maintain the special character and appearance of Conservation Areas...'***

- 8.36 The main historic core of Looe is around the old harbour area which features many Listed Buildings and historic street patterns. The townscape in the vicinity of the application site is from a much more modern era. There are no Listed Buildings or Ancient Monuments in the vicinity of the application site.
- 8.37 The development subject of this application compliments the typical pattern of residential development ranging down the steep valley sides with sufficient space between buildings

to enable trees and other vegetation to be a notable feature of the valley sides and punctuating reasonably high densities of development characteristic of the Looe Conservation Area.

8.38 As noted in paragraph 8.10 above, Cornwall Council's Conservation Officer has in effect already considered the development subject of this application. The Conservation Officer was supportive of the architectural design of the development and confirmed that it would not harm the Conservation Area.

8.39 In summary, the effect of the development upon the Conservation Area is considered not to be harmful. The proposal has been previously granted planning permission, Development Plan policies have not changed in a way such as to justify any other decision, and therefore there is no reason to withhold the granting of planning permission for the same development once again.

#### **8.39 Landscaping & Trees**

8.40 The development has been complete for just over 8 years and the consideration of this matter can only realistically take place in the context of the site as it currently exists.

8.41 The larger garden area is located to the rear (east) of the dwelling. The aspect and topography mean that the area is subject to significant shading and lower light levels. Photograph 7 below indicates the lower level of the rear garden which is level and gravelled.

8.42 On the right hand side of the photograph is the original excavated face of the ground which has been planted with variety of species and now covers the former bare face. Being behind the built form of the dwelling this area of garden is obscured from view from the west and is not of wider value in visual terms to the Conservation Area because it cannot be seen from outside the site.



Photograph 7

8.43 On the upper level of the rear garden is located a large maturing Ash Tree which dominates most of the upper level. Photograph 8 below shows the Ash Tree.



Photograph 8

8.44 The Ash tree due to its size and stature makes a wider visual contribution to the Conservation Area and can be seen on the valley side from the west, and is also evident in Photograph 1 taken from Mill Pool car park.



8.45 As indicated in Photograph 9 below there is also an area of planting on a steeply sloping bank to the front of the dwelling and garage.



8.46 When the dwelling was originally built, the embankment in the above photo was planted with Buddleja and Hydrangeas in accordance with the landscaping scheme prepared for the site. The planting became overgrown and the shrubs have been recently recoppiced (the cut stems are visible in the photograph) but will again regrow to significant proportions and will provide a colourful display to the elevated edge of Shutta Road which is also attractive to butterflies.

8.47 The landscaping and planting of the site has now been in place for over eight years and is maturing successfully. It is submitted that the landscaping of the site has allowed the development to assimilate into its surroundings and has provide a green perimeter to the development which contributes to the appearance and character of the Conservation Area

#### **8.49 Flood Risk and Drainage**

8.50 The government flood mapping system confirms that the application site is in Flood Zone 1 and therefore has a low risk of flooding and does not require the submission of a Flood Risk Assessment (FRA).

8.51 Foul drainage is connected to the South West Water mains system.

8.52 Surface water is partly disposed of by soakaway but a rainwater harvesting system is also installed on the development so that roof water can be used for toilet flushing.

#### **8.53 Ground Stability**

8.54 Planning permission was originally granted for the dwelling without any requirement for a ground stability report. The dwelling has now been built and occupied for over eight years and there are no signs of ground stability or related structural issues.

8.55 My client, for his own purposes, commissioned a Ground Stability Report which was carried out by Civil and Structural Engineers in May 2017 which is attached as Appendix 2. The report considered the structural integrity of the landform on the site, the dwelling itself, and the boundary retaining wall and gabion cages. The report concluded:

***‘The ground stability associated with this site have been inspected and it is concluded that it is deemed to be sound with no indications of duress in any of the elements described above.’***

#### **9.0 CONCLUSIONS**

9.1 The dwelling, garage and other details of the site were originally granted planning permission by Cornwall Council on the 22<sup>nd</sup> March 2012 under planning permission Ref. No. PA12/00739. Owing to the alleged non compliance with two pre-commencement conditions, the local Planning Officer advised that my client’s development was considered

to be technically 'unlawful' under the Planning Acts. The dwelling has been built and occupied for over eight years without issue.

- 9.2 My client is involved in the purchase of another dwelling in which to live for himself and partner and is placing 'Highwater' on the market for sale and needs to put the planning status of this dwelling beyond any doubt. In these circumstances, the most expedient and likely quickest route, is the submission of the current planning application to seek 'regularise' the situation by an application for the 'retention of the existing dwelling and detached garage'.
- 9.3 The above planning statement has demonstrated that the principle, and details of the development, satisfies the policies contained in the Cornwall Local Plan 2016. The information and comments in this submission have also demonstrated that all other material planning considerations, relevant to this development, have been satisfied.
- 9.4 In the above circumstances, it is submitted that planning permission should, once again, be granted for this existing development which is reasonable in all respects.