

# **Planning for Results Ltd**

Specialist Planning Consultancy for all residential,  
social, environmental and commercial projects



## **PLANNING DESIGN AND ACCESS STATEMENT**

**Section 73 application – Town & Country Planning Act 1990**

**Variation of planning condition 2 of Decision Notice PA16/01172  
dated 1 April 2016**

**Demolition of existing bungalow and surrounding buildings, construction of  
replacement dwelling with car port, implement store and workshop. Formation of  
new access.**

**The Nurseries, Carnon Downs, Truro, Cornwall, TR3 6LJ**

On behalf of Mr & Mrs Murphy

November 2023

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## **1.0 Introduction**

### **1.1 Appointment**

Planning for Results Ltd have been instructed to act on behalf of the Applicant 'Mr & Mrs Murphy' in dealing with the proposed redevelopment of the existing residential property known as 'The Nurseries' hereinafter referred to as 'the site'. The Applicant retains the legal freehold ownership of the site, and therefore has control over the full extent of the land, including the pedestrian/vehicular access into the site.

### **1.2 Scope of application**

Planning permission is sought under section 73 application, thereby relating to the nature of the original approved application for a replacement dwelling. The section 73 application procedure allows the Applicant to submit a new changed scheme, and in doing so, varying the approved plans condition, to allow the LPA to determine a changed scheme.

### **1.3 Context**

The LPA originally granted planning permission under application PA15/11224 with an application description of 'Demolition of existing bungalow and surrounding buildings, construction of replacement dwelling with car port, implement store and workshop. Formation of new access.' The LPA issued a formal decision notice dated 25 January 2016.

Planning permission was then granted under application PA16/01172 for 'removal of condition 3 in relation to PA15/11224 dated 25 January 2016: for store to be built first to enable storage'. The LPA issued a formal decision notice dated 1 April 2016.

Planning permission PA16/01172 is extant, because the Applicant has taken steps to deal with and address the further requirements of planning conditions and has made a valid commencement of building works on site. Planning permission PA16/01172 is therefore live.

The Applicant now seeks planning permission for the same development, a replacement dwelling, but of changed design. Hence the reason for the section 73 application.

Paragraphs 47 and 48 of the Framework require that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The site is situated a short distance to the west of Carnon Downs, and the scheme constitutes a replacement dwelling. The site benefits from existing vehicular and pedestrian access from the public highway. The proposed development accords with the national definition of sustainable development as set out within Section 2 of the Framework entitled 'Achieving sustainable development'.

As the proposal is for a replacement dwelling, the scheme will not result in an increase in the total number of residential units on the site, the principle of replacement residential development on this site is therefore acceptable, subject to more detailed policy considerations.

The Applicant's legal planning fallback position is extant planning permission PA16/01172 dated 1 April 2016.

Given the circumstances of the site location and the land classification in planning terms, the general principle of redevelopment of the site to provide a new replacement dwelling accords with both local and national planning policies. On this basis it would be appropriate for the LPA to issue planning permission for the proposed development as specified.

#### 1.4 Reasons for demolition

The property and various outbuildings are suffering from a serious state of disrepair, due to long term lack of maintenance, and poor original construction quality. Ultimately, the property was not constructed to a high enough standard to provide an acceptable modern standard of living.

The quality of construction and issues with the expected long-term condition of the property, offers an exciting opportunity to demolish the property, and secure a substantially higher quality design, which provides traditional architecture, contributing positively to the character of the area and landscape.

The proposed redevelopment provides an opportunity to secure a new dwelling which is designed to suit the context of the site location, taking full account of the site constraints whilst providing a greatly improved level of residential accommodation.

The replacement dwelling has been bespoke designed to suit the topography of the land, with the aim of assimilating positively with the character of the settlement and wider surrounding landscape.

Notwithstanding the above, the LPA have already granted planning permission to demolish the property, and so this issue is conclusively dealt with by the extant planning permission.

## 2.0 The site

### 2.1 Site location

The application site is located a short distance to the west of Carnon Downs. The residential property is neighboured by existing residential development to the north-east and north-west. Figure 1 below indicates the site location in a Cornwall wide context. Figure 2 over the page indicates the site location in context with Carnon Downs, Figure 3 confirms the extent of the application site.

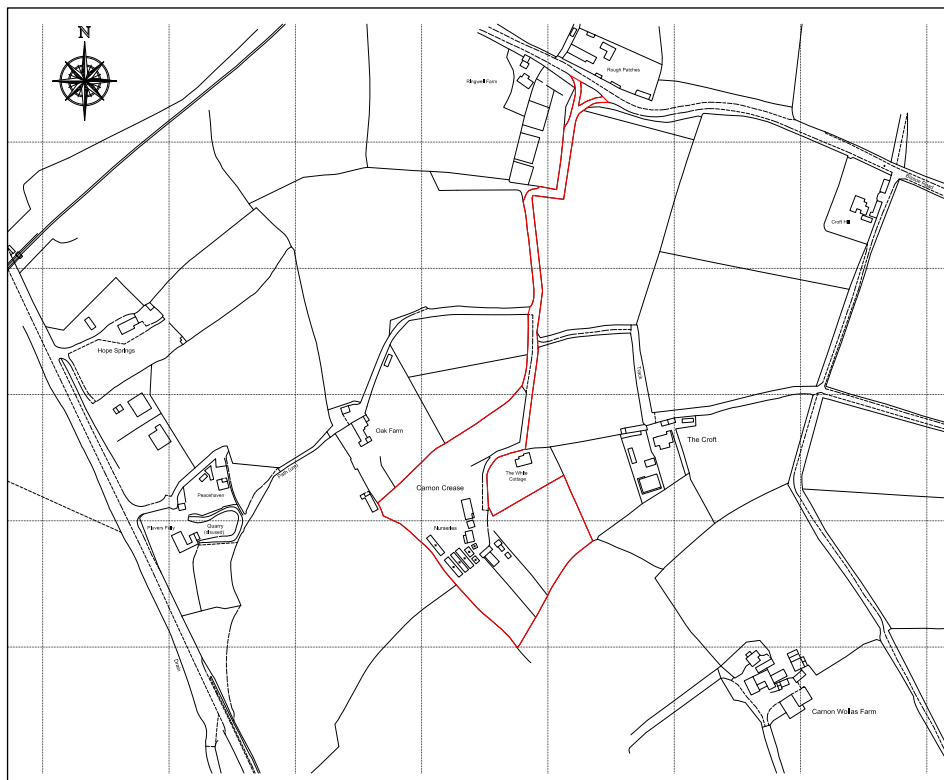
**Figure 1 – Site location – Cornwall wide context**



**Figure 2 – Site location – Carnon Downs context**



**Figure 3 – Site location – extent of application site**



## 2.2 Existing development and extent of site

The application site consists of a detached residential property identified as 'The Nurseries' which sits in a large plot of land, and includes a range of outbuildings and existing vehicular access.

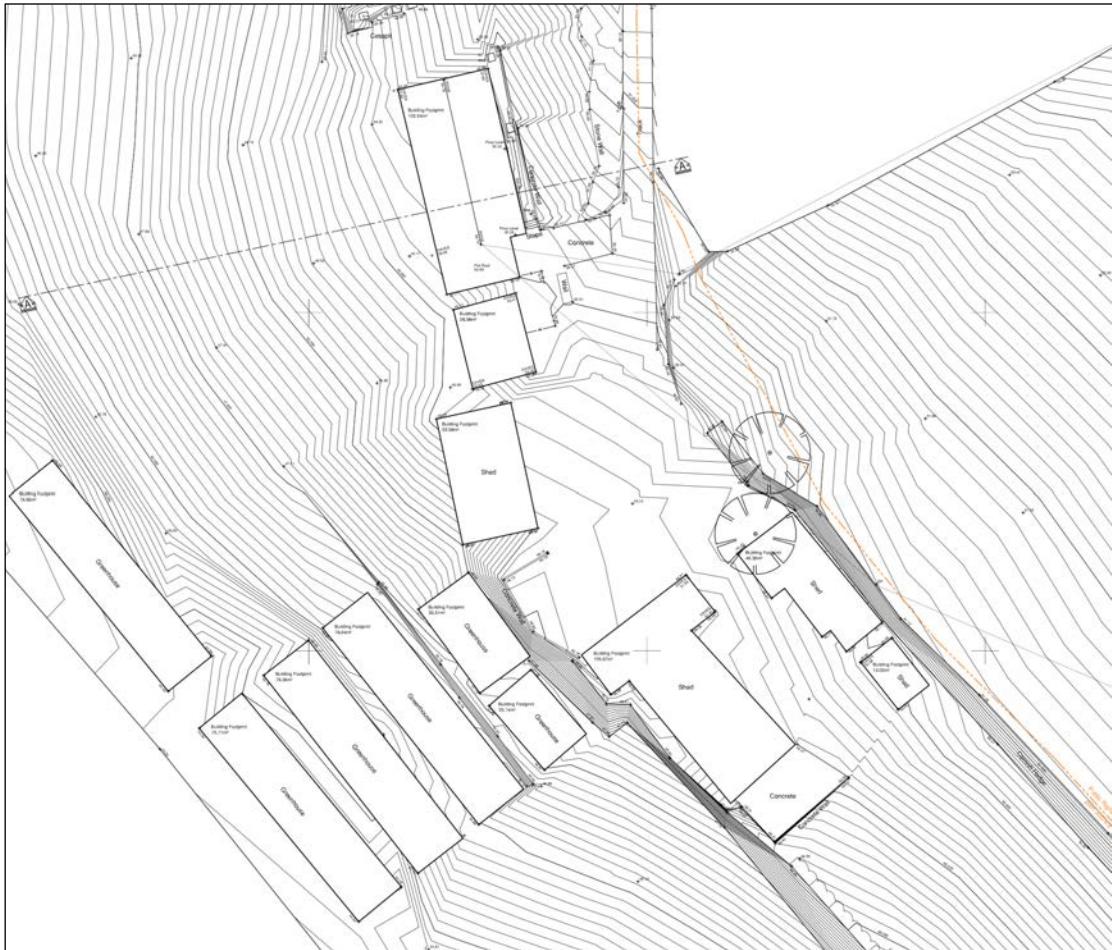
The application site extends to approximately 14,305 sqm and contains a number of outbuildings such as sheds and storage buildings that have remained from the previous use of the land. The site also used to contain various glasshouses which have since been removed in accordance with planning permissions PA15/11224 and PA16/03664.

In addition, two large sheds have been demolished and removed from the site, in accordance with planning permissions PA15/11224 and PA16/03664 and a detached storage shed constructed in accordance with planning permission PA16/01172.

Figure 4 over the page indicates the number and extent of existing buildings on the site, some of which have now been demolished and removed, as per the commentary above.



**Figure 4 – existing buildings**



There is an existing cesspit that provides foul waste disposal to the existing property, this is situated just to the northern corner of the footprint of the existing property.

### 2.3 Neighbouring development and land uses

The application site is neighboured by some existing residential development. To the north-east is the neighbouring residential property identified as 'The White Cottage'. To the north-west is the neighbouring residential property identified as 'Oak Farm'. To the south-east is a larger holiday accommodation caravan touring park identified as 'Carnon Wollas Touring Park'.

#### 2.4 Streetscene and wider character of the area

The area is both residential and commercial in character, with the predominant character being detached residential properties situated in generous sized plots. The streetscene is varied, with detached two-storey dwellings, detached single-storey bungalows, and detached dormer bungalows all contributing to the mixed character of the area.

There are examples of modern contemporary design in the area, and more traditional vernacular development, formed from the conversion of traditional agricultural and commercial buildings. New development in the area has generally focused on the improvement and alteration of existing residential properties and schemes for replacement dwellings.

#### 2.5 Landscape designations

The application site and wider landscape is undesignated, and has not been recognised for any special contribution, therefore the starting point for consideration of the landscape is one of low sensitivity.

#### 2.6 Historical designations

There are no listed buildings either within the application site or in close proximity to the application site. There is no Conservation Area, and nor is the property in a World Heritage Site.

### **3.0 Procedure**

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are options for amending a proposal that has planning permission.

In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission. Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.

Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.

It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

#### **4.0 Extant planning permission**

Planning application PA15/11224 for 'Demolition of existing bungalow and surrounding buildings, construction of replacement dwelling with car port, implement store and workshop. Formation of new access' was Approved 25 January 2016.

The Applicant then submitted application PA16/01172 for 'Removal of condition 3 in respect to PA15/11224 dated 25 January 2016 – for the store to be built first to enable storage.' Which was approved 1 April 2016.

The Applicant then submitted Application PA16/03664 which sought discharge of planning conditions 3, 4, 5, and 7 of decision notice PA16/01172.

The Applicant has dealt with and addressed all planning conditions that require further information to be submitted to the LPA, and has received the LPAs decision of discharge.

The Applicant has undertaken construction works on site, which have achieved a lawful valid commencement of planning permission PA16/01172.

Further information on this is contained within the planning and site history section.

## **5.0 The proposal**

As this application is submitted under section 73 of the Town & Country Planning Act 1990, the proposed development carries the same application description of development as the previous planning permission 'Demolition of existing bungalow and surrounding buildings, construction of replacement dwelling with car port, implement store and workshop. Formation of new access.'

This section 73 application allows the Applicant to present a changed scheme, for a differing design of replacement dwelling, for the LPAs formal determination.

The starting point in the progression of a new design approach has been a detailed consideration of existing planning permissions PA15/11224 and PA16/01172, to carefully examine the development already approved on the site by the LPA.

The LPA have already granted planning permission for the demolition of the existing residential property and out buildings, clearing of the site, and construction of a replacement dwelling with car port, implement store and workshop building.

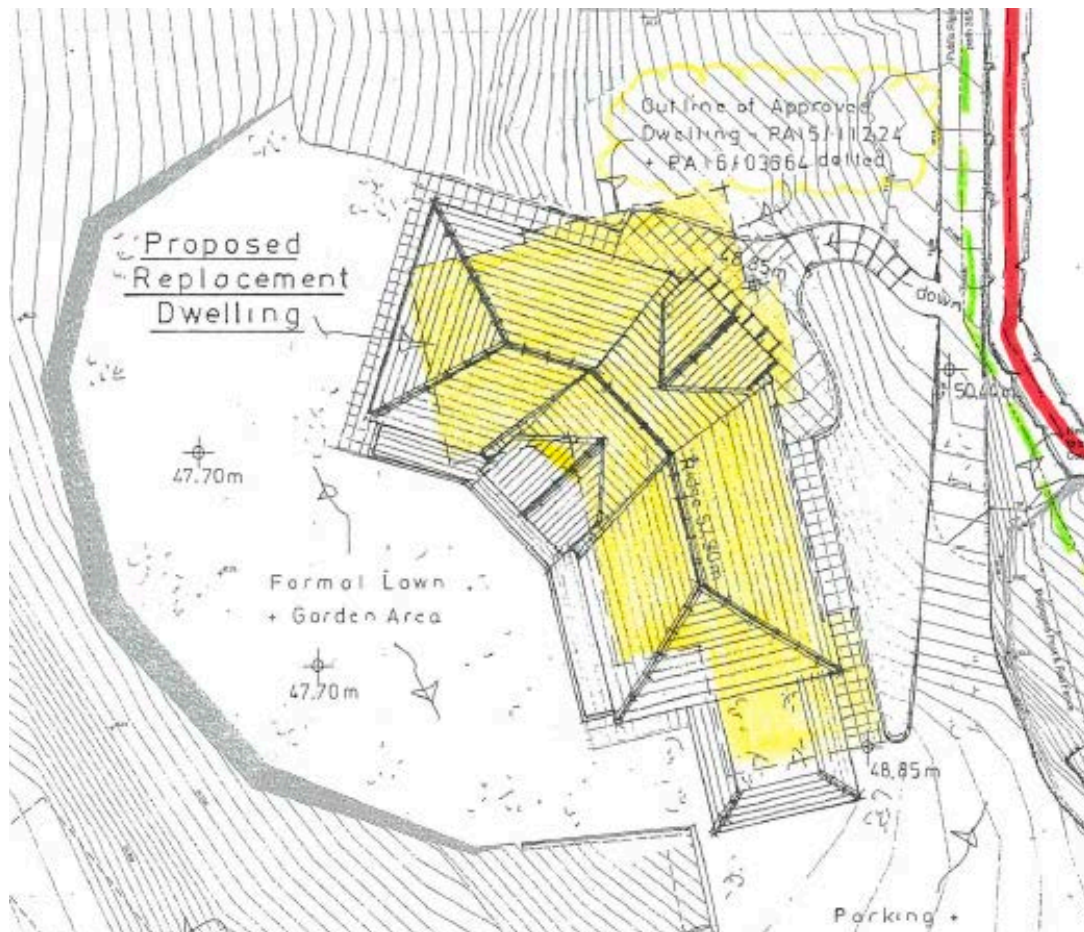
Extant planning permission PA16/11018 remains the Applicant's legal fallback position, irrespective of the outcome of this section 73 application, and this, is a material consideration which carries significant weight in the assessment and determination of this application.

The proposal would see the same demolition of the existing residential property, and clearance of outbuildings and general redevelopment of the site. The scheme would also still include the detached storage building.

The proposed dwelling will be situated on the same area of the site as per the previous planning permissions, with the proposed footprint positioned over the previously approved footprint.

The proposed site plan included within the application submission shows the previously approved footprint in yellow, with the new proposed dwelling shown in context. Figure 6 below confirms the previously approved footprint position in context with the new proposed footprint.

**Figure 6 – proposed footprint**



The proposed site plan also shows the previously approved detached storage building, which has already been constructed on site, and the external garden amenity areas laid out to serve the new dwelling. This includes the position of the new septic tank to serve the new property.

The design process has provided a traditional form of design, incorporating a pitched roof, positive sold to void ratios, resulting in a pleasing character.

The roof will be covered with natural grey slate with ridge tiles and hip cappings. The walls will be finished with natural stone laid on the natural bed with struck pointed brown lime / sand mortar mix. Included will be granite lintels over openings and corner quoins. Sections of the walls will also be finished in natural slate hanging. Green Oak support posts to the balcony with granite stools. Doors will be aluminium / composite triple glazed. Windows will be aluminium / composite triple glazed with fine glazing beads and will be set back 100mm from natural stone face. Roof lights will be Velux conservation style flush fitting in grey. Rain water goods will be galvanized steel Lindab round gutters and downpipes.

Internally, the ground floor of the property will provide living room, home office, media room, entrance hallway, dining area, utility, kitchen, breakfast area, tv / snug, plant room, pantry, coat / boot room, and a wet room. The first floor will provide five bedrooms and a gallery landing.

Surface water will be dealt with via a suitably designed surface water drainage scheme to soakaways, and foul waste will be disposed to a new septic tank. This will ensure that third parties are not impacted by a differing surface water drainage conditions.



## **6.0 Planning and site history**

As part of the preparation of this application, a search of the planning register has been carried out to uncover any relevant site or planning history which may form a material consideration to the assessment of this application. The following relevant planning history has been identified:

**Application PA16/11018** – Non material amendment to amend the design of roof to the workshop/implement store to 'Demolition of existing bungalow and surrounding buildings, construction of replacement dwelling with car port, implement store and workshop. Formation of new access. Approved 16 December 2016

**Application PA16/03664** – Submission of details to discharge conditions 3, 4, 5 and 7 of decision notice PA16/01172. Conditions discharged 14 June 2016.

**Application PA16/01172** – Removal of condition 3 in respect to PA15/11224 dated 25 January 2016 – for the store to be built first to enable storage. Approved 1 April 2016.

**Application PA15/11224** – Demolition of existing bungalow and surrounding buildings, construction of replacement dwelling with car port, implement store and workshop. Formation of new access. Approved 25 January 2016

## **7.0 Planning policy and guidance**

A thorough examination of planning policy and guidance has been undertaken in order to inform the proposed development, and ensure that the proposal remains in accordance with the Cornwall Local Plan, and national planning policy guidance in the form of the National Planning Policy Framework July 2021 (the Framework), and subsequent Planning Practice Guidance. Additionally to this, a detailed examination of a range of other applications, relating to similar proposals have also been appraised to allow consideration of the established decision-making process of the LPA, and the type and nature of such applications which have been approved by the LPA.

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions on applications for planning permission and appeals must be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

### **7.1 National Level Planning Policy and Guidance**

The National Planning Policy Framework must be taken into account in preparing the Development Plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The Framework states that Local planning authorities should approach decisions on proposed development in a positive and creative way. LPAs should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The National Planning Policy Framework was published during July 2021, the Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The Government's Planning Practice Guidance (PPG) provides further detail and explanation on the various elements in addition to the Framework.

Paragraph 59 states that 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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 states that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;  
and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

In terms of access to public transport, the application site, and future occupiers would have access to public transport, alike the wider settlement.

Section 11 discusses making effective use of land and paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 118 states that planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Section 12 discusses achieving well-designed places, and paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

Section 15 focuses on enhancing the natural environment, and paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Section 11 focuses on making effective use of land, with Paragraph 117 stating that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

## 7.2 County level planning policies and guidance

The Cornwall Local Plan (CLP) provides the most up-to-date and relevant planning policy for Cornwall. The Cornwall Local Plan was formally adopted by Cornwall Council during November 2016 - under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan is now the Cornwall Local Plan.



The following CLP policies are considered relevant:

Policy 1	Presumption in favour of sustainable development
Policy 2	Key targets and spatial strategy
Policy 3	Role and function of places
Policy 12	Design
Policy 13	Development standards
Policy 16	Health and wellbeing
Policy 21	Best use of land and existing buildings
Policy 22	Ecology
Policy 23	Natural environment
Policy 26	Flood risk management and coastal change
Policy 27	Transport and accessibility
Policy PP9	Policy PP6 –Truro and Roseland Community Network Area

In focusing on the guidance and policies of the CLP in more detail, the following sections and paragraphs are considered to be of particular importance to the proposed development:

The formal adoption of the CLP is seen as a transition to a more positive and permissive set of guidance of which to assess planning applications and planning appeals against. Development and settlement boundaries have now been deleted, and the CLP does not provide any such blanket restrictions on new development.

Policy 1 – Presumption in favour of sustainable development, states that *‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework’*

Policy 1 continues to state *‘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.’*

It is clear that when relating Policy 1 of the CLP to the application site and development, the proposed development clearly accords with the criteria as set out.

It is confirmed that the CLP contains no specific policies which state that the proposed development, in this location, should be restricted.

The proposed development conforms to Policy 2 of the CLP through achieving a high-quality design; a design which demonstrates a cultural, physical and aesthetic understanding of its location. The proposed development has taken influence from the surrounding properties, and employed a traditional approach to provide a design of higher quality through demolition.

Policy 3 states that the scale and mix of uses of development and investment in services and facilities should be based on the role and function of places. The proposed development is considered to be of an appropriate scale to the settlement of Carnon Downs and the existing services and facilities within the wider area.

The proposed development, in accordance with the CLP, will contribute to the diversity of housing in the local area, whilst providing a pleasing design which takes inspiration from the existing surrounding development within Carnon Downs and wider area.

### 7.3 Other guidance

Chief Planning Officers Advice Note – ‘infill / rounding off’ December 2017

Chief Planning Officers Advice Note – ‘self and custom home building in Cornwall’ August 2022

The Cornwall Design Guide December 2021

Chief Planning Officers Advice Note – ‘barn conversions and replacement dwellings’ February 2023

Climate Emergency DPD March 2023

#### 7.4 Community Infrastructure Levy (CIL)

The appropriately completed CIL forms have been included within the application submission.

#### 7.5 Policy PP6 Truro and Roseland Community Network Area

The application site is located within the Truro and Roseland CNA (Policy PP6 of the CLP). The CLP makes clear recommendations of the specific objectives to be addressed in planning in this area:

**Objective 1: Housing Needs** - Plan for the appropriate location and distribution of housing growth, taking into consideration the evidence gathering work undertaken for the Truro and Threemilestone Area Action Plan. Ensure that the housing needs of the community are met, with a particular emphasis on affordable housing.

**Objective 2: Housing and Jobs** - Balance the provision of employment and housing to reduce commuting.

**Objective 3: Employment** - Provide high quality, well paid employment in locations that reduce the need to travel

**Objective 4: Sustainable Transport** - Enable the use of more sustainable transport modes (for goods and people) and reduce congestion through the provision of additional transport infrastructure and ensuring sustainable transport is designed into new development.

**Objective 5: Shops and Services** - Support the retail function of Truro in relation to other main towns in Cornwall and within the South West. Protect shops and access to services and facilities in rural areas.

**Objective 6: Community Facilities** - Ensure that facilities, including health, leisure, education and sports facilities, are provided to support new development and address existing deficiencies.

**Objective 7: Design** - Ensure that development is adaptable, sustainable and of a high-quality design and layout.

**Objective 8: Landscape** - Ensure that development respects the distinctive landscape settings of both Truro and the Highertown / Threemilestone area.

**Objective 9: Sustainable Development** - Provide a strategic framework to balance economic development, maritime industries, protection of the environment and access to the coast.

**Objective 10: reduce the risk of flooding** - Ensure future development utilises sustainable drainage technology to ensure that additional food risks are avoided. The sequential approach to flooding will inform site choices in Truro city centre taking into account significant food risk on some sites.

The proposal is considered to broadly accord with the previous 1 – 10 objectives.

#### 7.6 Neighbourhood Development Plan process

Neighbourhood Planning allows people to come together through a local parish or town council and say where they think new houses, businesses and shops should go, and what they should look like. These Neighbourhood Plans can be very simple, or go into considerable detail.

At local level, communities may wish to develop their own planning policies to reflect the priorities of local people and to provide an additional level of detail than those developed by Cornwall Council. Those policies would be set out in a Neighbourhood Plan.

During the preparation of this planning application, due regard has been taken of the Feock Neighbourhood Development Plan 2017 – 2030.

## **8.0 Material planning considerations**

Having due regard for the site location, the existing residential development, the proposed development, along with extant planning permission PA16/01172, the following material planning considerations are worthy of discussion:

### **8.1 General principle**

The application site is located a short distance from Carnon Downs, and contains an existing residential property. The general principle of replacement residential development is supported by local planning policies and national planning guidance.

The LPA have previously approved planning permission for a replacement residential property under applications PA15/11224, PA16/01172 and PA16/11018. Significant weight is attributed to the Applicant's legal fallback position of the extant planning permission.

This section 73 application seeks the LPAs permission to construct a different design property, through varying planning conditions.

### **8.2 Demolition of existing property**

The existing residential property is of sub-standard construction and in a state of disrepair. The property would not be economically viable to repair, nor would it provide a future long term sufficient level of modern living accommodation.

The extant planning permission has already approved the demolition of the existing residential property, and clearance of the site. This section 73 application concerns itself with the proposed design of the new residential property.

### **8.3 Starting point**

The starting point of the design process has been a careful consideration of the existing residential property to be demolished, coupled with an appraisal of the scale, massing and layout of the previously approved replacement dwelling.

Securing a new property of improved architecture would not only raise the quality of design in the area, but would promote good planning, have a positive contribution to the character of the area and streetscene, provide an improved level of residential accommodation and assimilate better with the wider landscape. A number of positives have therefore been linked with the redevelopment of this site.

#### 8.4 Design journey

The new replacement dwelling has been guided by some fundamental design concepts – to position the new property over a similar footprint as the previously approved replacement dwelling subject of extant planning permission; to provide a high quality traditional design; to improve and provide a higher quality design over and above the extant planning permission; the new property should fit the context of the existing site; have a positive relationship with neighbouring properties; and have a positive contribution to the character of the area and wider landscape.

With the traditional design approach, high quality natural materials and attention to detail in high quality finishes, the proposed development achieves the above.

#### 8.5 Residential amenity

Given the existing neighbouring properties, careful consideration has been given to fully understand the existing situation and the proposed relationship with neighbouring properties.

The existing extent of development and extant planning permission have been taken into account. The spatial relationship of the proposed development, along with the existing residential neighbours is noted, and it will be possible to provide a replacement residential property without causing unacceptable impact upon current levels of privacy and amenity.

The proposed development will not result in an unacceptable increase in loss of privacy, overlooking or loss of light. In terms of the future residential occupiers of the new property, the site allows for generous sized external garden amenity space, which will provide the property with a high level of amenity, according with all relevant design standards.

#### 8.6 Vehicular access and parking

The site is served by an existing vehicular access which comes off the public highway, providing vehicular/pedestrian access to the existing residential property and neighbouring property. The extant planning permission approved a change in the vehicular access, this previously approved vehicular access remains consistent with the proposed new scheme.

#### 8.7 Trees and landscaping

The application site is within a rural area, but close to the settlement of Carnon Downs. The proposed development has taken account of the shrubs, planting and green spaces and provides options for sympathetic soft and hard landscaping provision, in order to allow the new development to have a positive relationship with its surroundings. The proposed development will incorporate a similar landscaping treatment as previously approved by the LPA.

#### 8.8 The landscape

The starting point for the proposal is the existing classification of the land, the existing residential property, extant planning permission, and the existing views into the site and visibility of the site. The design brief of the project has been to ensure that any new development contributes positively to the character of the area and wider landscape.

Whilst it is noted that the landscape is undesignated, and therefore has not been recognised for any special qualities, the proposed new development has been guided by the prominence of the existing development, and extant planning permission. The new development will not cause any additional harm, over and above that which exists and has been previously approved by the LPA, whilst achieving an improved and higher quality design.

It is noted that the original site contained numerous large buildings, some of which have been demolished and removed, some of which still exist. The redevelopment of the site, in landscape context has to be considered in context with the removal of the existing buildings, and the positive benefit that this brings.

The approach taken, and the Applicant's commitment to ensure that the proposed development represents an improvement over and above the existing development in landscape impact context, has achieved a sensitive and sympathetic outcome.

#### 8.9 Surface water runoff

The condition of the existing site has been carefully examined, and will allow a scheme for the control and disposal of surface water runoff and drainage to be incorporated into the new development. The drainage scheme will control and deal with all surface water runoff on site via soakaways, so as to not increase off-site surface water runoff, or cause impact to third parties.



## **9.0 Response to Feock Neighbourhood Development Plan**

During the preparation of this planning application, due regard has been taken of the Feock Neighbourhood Development Plan 2017 -2030. The Plan was confirmed and took full weight during 2018.

The objectives and policies from the Feock Development Plan have been carefully considered during the preparation and submission of this planning application. It is confirmed that the proposed development responds positively and accords with Objective 5 entitled 'Quality of Design and Objective 6 entitled 'housing'.

In general terms, the application site and proposed development is in conformity with the objectives and policies of the NDP.

## **10.0 Summary in favour of application**

Planning permission has already been granted to demolish the existing residential property and clear the site of outbuildings.

There is extant planning permission for the construction of a new replacement dwelling, which forms the Applicant's legal planning fallback position.

The general principle of replacement with a new, higher quality property of improved design is sustainable development and accords with planning policy and guidance at a local and national level.

The proposed design is traditional in form, and represents a significant improvement in comparison to the existing development.

The proposed design and materials represents an improvement over and above the design of the extant planning permission.

A careful design process has ensured that the new property takes full account of existing neighbouring properties and land uses, to ensure that an acceptable relationship is achieved.

The proposed development which results in a significantly higher quality design, will be sympathetic to and make a positive contribution to the character of the area.

The proposed development will have a positive contribution to the undesignated landscape.

The new replacement property will provide significantly higher quality accommodation, reaching very high environmental standards and low energy efficiency in future use / operation.

The application puts forwards the conditions required for the LPA to support and approve the proposed development.

## **11.0 Appendices**

**Appendix 1 Decision notice PA16/11018 dated 16 December 2016**

**Appendix 2 Decision Notice PA16/03664 dated 14 June 2016**

**Appendix 3 Decision Notice PA16/01172 dated 1 April 2016.**

**Appendix 4 Decision Notice PA15/11224 dated 25 January 2016**