

GRC PLANNING

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PLANNING, DESIGN & STATEMENT

PROPOSAL:

Outline planning application for a detached bungalow, access and parking area.

SITE:

Land adjoining 'Tregwheal', Landulph Cross, Saltash, PL12 6QQ.

APPLICANT:

Mr & Mrs M. Kitney



28th February 2014



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1. INTRODUCTION:

1.1

Landulph Cross is a small settlement 600m east of the village of Cargreen and 1.3km east of the A388 which links Saltash with Callington. It is a small settlement at the crossroads of the Class C Road linking Cargreen with the A388 and the Class C road to Landulph about 600m to the south-east.

Landulph Cross is the location of the Landulph Primary School, Boarding Kennels, a Caravan Sales dealer and over a dozen dwellings grouped around the four roads that meet at the crossroads.

1.2

'Tregwheal' is located 50m to the north of the crossroads on the eastern side of the road (See the location plan in **Fig.1** and the aerial view in **Fig.2** below).

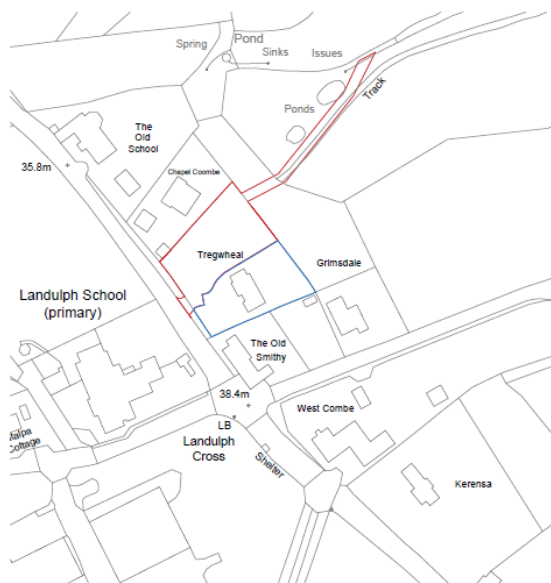


Fig.1 – Location Plan – 'Tregwheal'.



Fig.2 – Aerial view.

'Tregwheal' is a large, detached house that was granted outline planning permission under 92/1211/O by Caradon District Council in August 1993. The permission was granted subject to a s106 obligation to ensure that the proposed dwelling would be occupied by the applicants Mr. & Mrs. Kitney as a 'Local Needs' dwelling as their sole or main residence.

If the property was to be subsequently sold the obligation contained a series of steps whereby that sale would be restricted to by a person living, firstly, in the Landulph Parish, secondly in the adjoining (*unnamed*) Parishes and lastly within the Caradon District Council area.

On 7th June 1994 a revised full planning application was submitted for a three-bedroom detached dwelling and garage (Ref: 94/0579/F) for the:

'Erection of detached dwellinghouse, construction of vehicular / pedestrian access to highway and installation of septic tank on land situate Part O.S. No.6655, Landulph Cross, Saltash'.

Full planning permission was granted on 25th July 1994. The approved site plan and front elevation is shown in **Figs. 3** and **4**.

On 21st February 2024 Cornwall Council discharged the s106 obligation under 92/01211/O under the application PA23/10042.

The view of 'Tregwheal' from the roadside is shown in **Fig.5** below.

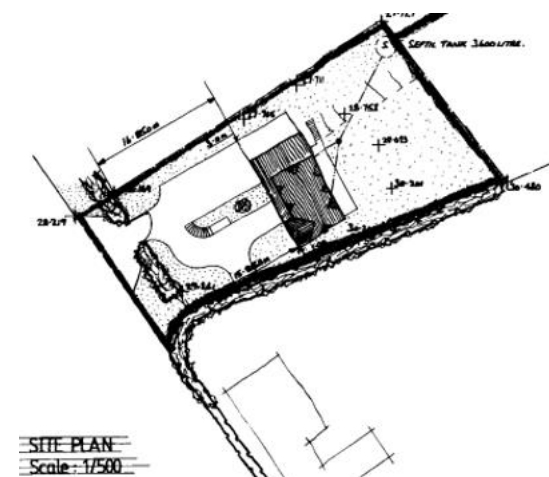


Fig.3 – Approved Site plan - 94/0579/F



Fig.4 – Approved elevation - 94/0579/F



Fig.5 – 'Tregwheal' as viewed from adjoining road.

1.3

The application site is located between the existing house, 'Tregwheal' and 'Chapel Combe' to the north-west. It is currently the side garden to 'Tregwheal' and is mainly laid to grass with a vegetable garden and a few small fruit trees, outbuildings and a polytunnel.

The application site looking north-eastwards is shown in **Fig.6** below. It shows 'Chapel Coombe' to the left (north-west) and 'Tregwheal' to the right (south-east).

The access to the proposed application site is via the existing private drive to 'Tregwheal' shown in **Fig.7** below. The existing roadside boundary hedge on the south-western boundary of the application site is shown in **Fig.8** below.



Fig.6 – Application site looking north-eastwards.



Fig.7 – Existing access to 'Tregwheal'.



Fig.8 – Roadside boundary hedge to application site.

1.4

The application site includes the vehicular and pedestrian access to 'Tregwheal'. The site is approximately 17m along its south-western boundary and 27m along its north-eastern boundary. The site averages a length of 42m. The application site is just over 900m² (0.09ha) in size.

2. PROPOSAL:

2.1

The proposal is an outline planning application for a

"Detached bungalow, access and parking area".

on land adjacent to 'Tregwheal', Landulph Cross, Saltash, Cornwall, PL12 6QQ.

As part of the outline application the matters of **access, layout and scale** are to be determined at the outline stage, leaving the Reserved Matters of landscaping and appearance to be determined at a later separate Reserved Matters application.

It is intended that the bungalow is for Mr & Mrs Kitney to 'downsize' to and future proof their accommodation. A purpose-built bungalow with level access and suitable adaptability will achieve that in a location they have resided in for nearly 30 years.

2.2

In terms of **access**, it is proposed that the application site will be accessed off existing private drive to 'Tregwheal'. The existing access which is 9m wide at the junction with the

carriageway with the requisite full visibility in both directions given the highway verge either side of the access (See **Figs.7** and **8** above). It is believed that the visibility splays are within the ownership of the applicant. Access to the application site will be by means of a 3m private drive with a large, paved parking and turning area in front of the bungalow for at least two vehicles.

2.3

In terms of **layout** the submitted site plan 5083 003 Rev A (See **Fig.9** below) shows the location of the proposed bungalow centrally within the site with an approximate floorspace of 110m².

The bungalow is positioned to align with the frontages of 'Tregwheal' and 'Chapel Coombe'. It will largely be out of public view hidden behind the front boundary hedge. Being a bungalow, it will not overlook either of the adjoining properties. It is positioned within the layout 12m from the side elevation of 'Chapel Coombe' and 6m from the side elevation of 'Tregwheal'.

An indicative 'Cornish Hedge' is shown along the south-eastern boundary with 'Tregwheal'. The exact detail of this would be part of the proposal for landscaping under a future Reserved Matters application.

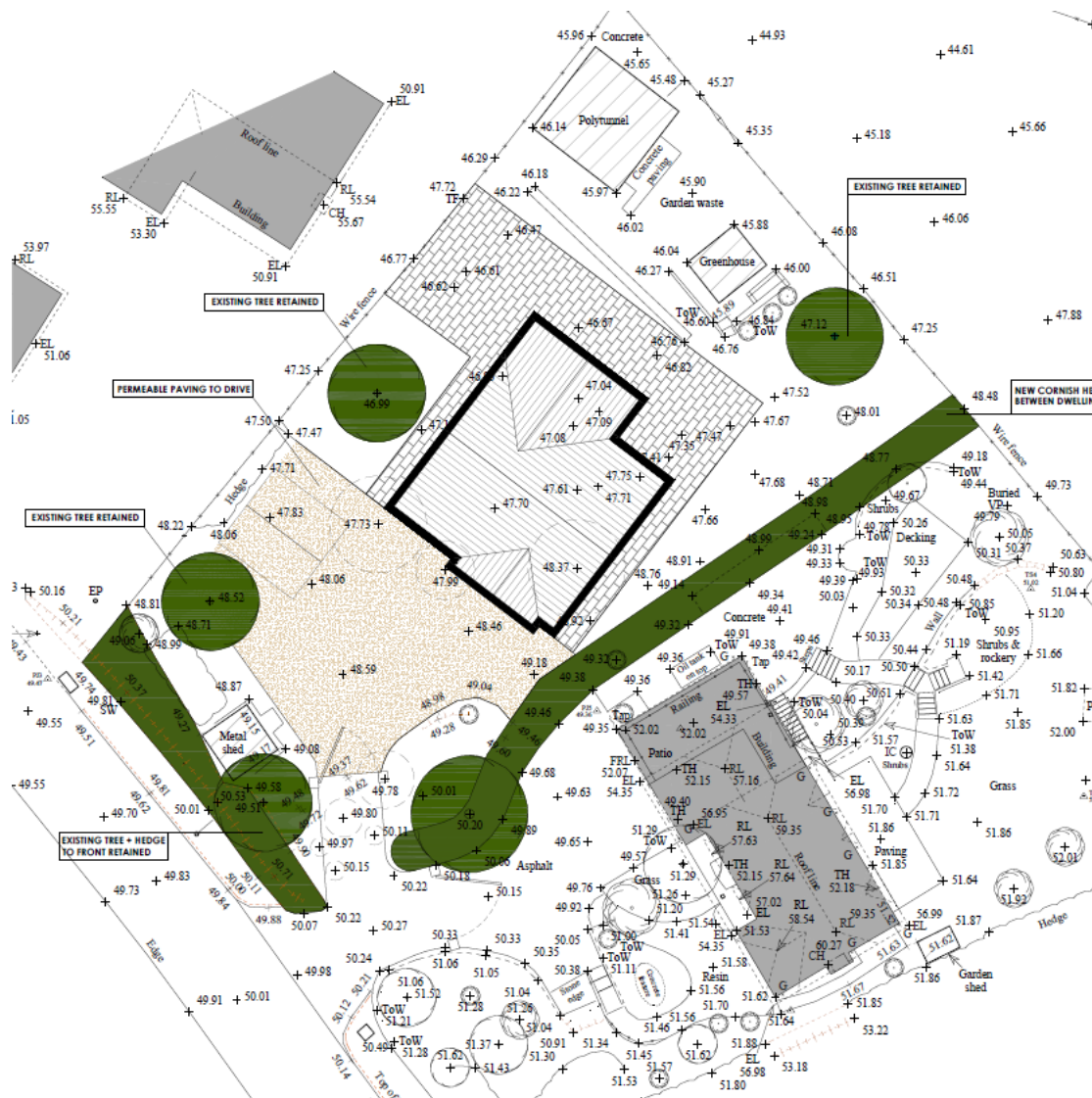


Fig. 9 – Proposed site plan 5083 003 Rev A

2.4

With regards to **scale**, it is proposed that the proposed detached dwelling is single storey and of an approximate floor space of 110m². Being single storey, it will fit in discreetly between 'Chapel Combe' and 'Tregwheal' without any adverse impact upon either in terms of overlooking or overshadowing.

2.5

Drainage Strategy – Flood Risk, Surface water and foul drainage

STG Engineering Ltd have provided comprehensive a Flood Risk, Surface Water and Foul Drainage Report for the site based on the submitted site plan, dwelling size and location.

Flood Risk

The site lies within Flood Zone 1. Flood Zones 2 & 3 are further beyond to the east and south of lower elevation corresponding to Tamar Estuary and so will not affect the site.

The report states,

“The central region of the site has a low (<0.1-1%) risk from surface flooding of <300mm depths. With an FFL >0.30m above existing ground level, substantial planting (rain garden concept to absorb) and a functional drainage strategy this low risk can be incorporated and effectively managed into the proposed development.”

2.6

Surface Water Drainage

The Report confirms that soakaway (SuDS) drainage was discounted as not being a viable option,

“Based on encountered ground conditions with negligible permeability (standing water) and/or shallow perched groundwater/throughflow and not being compliant with BRE Digest 365 or CIRIA.”

The calculations within the Report show an impermeable area of the new residential dwelling as 110m², parking is 22.50m² and new driveway section is 67.50m² resulting in a total impermeable area of 200m² on this occasion.

The proposed Drainage Strategy is where surface water from impermeable surface (new residential dwelling plus driveway and parking) is attenuated with controlled discharge into adjacent watercourse due to unsuitable ground for soakaway structures with infiltration.

The proposed attenuation is designed to accommodate a 1:100-year storm event plus an allowance of 50% for climate change. The surface water is proposed to be discharged into an adjoining watercourse, as shown in **Figs.10** and **11** below.

As the adjacent watercourse is not a Main River, Environmental Permits or Consent are not required from the Environment Agency. Necessary consent has been agreed with the 3rd party landowner and a Certificate B Notice has been served.

2.7

Foul drainage

Foul water is discharged from a Sewage Treatment Plant (STP) into adjacent flowing watercourse in NE corner of site with seasonal (partial) drainage field on the approach due to unsuitable ground conditions for a drainage field.

No actual named STP is proposed. This is considered a matter for the Reserved Matters stage. Being a 3-bedroom residential dwelling, it is inferred that a 6-person plant would be

utilised and correctly sized in accordance with British Water Code of Practice (Flows & Loads 43) and BS 12566/3.

The STP should be >7m from residential building, >2.50m from boundaries and within 30m of vehicular access for emptying/maintenance. The proposed location shown in **Fig.10** below satisfies both planning purposes and Building Regulations Approved Document H2.

As the wastewater treatment system will be installed and discharging on or after 1st January 2015 it is considered a 'new discharge' and by law must comply with General Binding Rules (GBR) from the Environment Agency (EA).

There is no SWW infrastructure within 100m vicinity of the site as shown in Appendix A5 and thus permits a private sewerage system.

Discharge from STP into flowing watercourse in NE corner of site with recommended 12-15m long seasonal (partial) drainage field on the approach. The necessary consent has been agreed with the 3rd party landowner. **Fig.11** shows the route of the drainage to the watercourse.

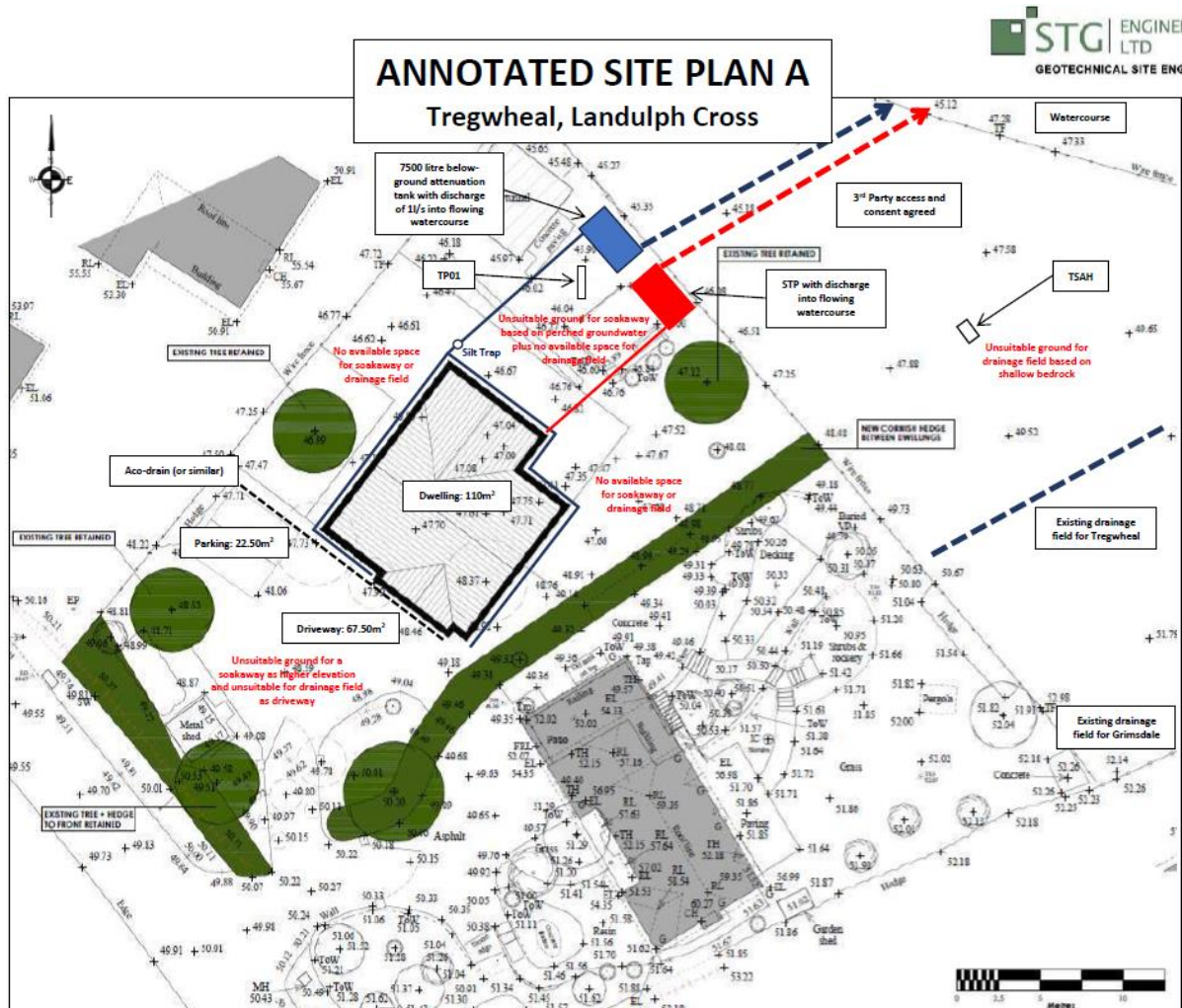


Fig.10 – Proposed drainage proposals

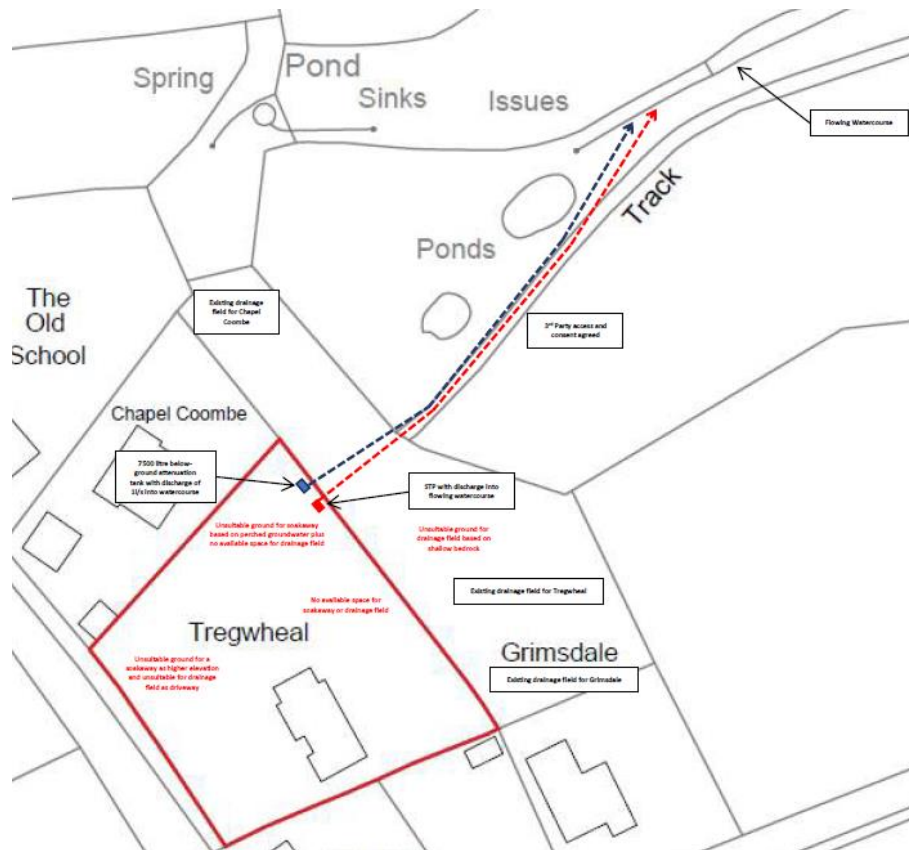


Fig.11 – Proposed route of drainage watercourse

2.8

Phase 1 Desk Top Study – Contamination

A Phase 1 Desk Top Study relating to contamination has been prepared by Advance Consulting Engineers and is submitted as part of the application.

The Study refers to the earliest available mapping of 1882 showing the site as undeveloped open land likely used for agriculture. The site remained undeveloped until circa 1995 when the 'Tregwheal' residence was constructed.

The site was shown to be underlain by mudstone and siltstone of the Torpoint Formation. No superficial deposits are recorded within 250m of the site. No Made Ground or artificial ground is recorded within 500m of the site.

The Study identified a plausible risk of elevated concentrations of metals in natural soils, notably arsenic, and further assessment is required.

The potential for mining and ground workings features affecting the development was considered to be low and no further consideration is necessary.

Natural ground subsidence was not considered to pose a significant risk to the development.

2.9

Preliminary Ecological Appraisal (PEA) and Baseline Small Site Metric

Western Ecology have carried out a Preliminary Ecological Appraisal (PEA) on the application site. The PEA determined the site as predominantly a vegetated garden and managed amenity grassland with scattered fruit trees.

The existing hedgerows contain some habitats of principal importance and native species such as holly, ivy, blackthorn and hazel. None of the hedgerows will be impacted by the proposed development.

The potential for impact on protected species has been examined. Most species were deemed to have a negligible presence with only birds and the potential for badgers had the potential for presence. No evidence of badgers was found at the time of the ecologist's site visit.

2.10

Further survey work is not recommended because it is the professional judgement of the ecologist that adequate information is already available and further surveys would not make any material difference to the assessment provided.

Any native hedgerow with associated bank habitat on Site that may be impacted by the development should be protected from accidental damage during the construction phase by a protection zone using suitable fencing. This protection zone should be maintained for the duration of the works and a list of mitigation measures are listed in the PEA to minimise the impact of construction on the native hedgerows.

Calculations for the requisite 10% net gain in biodiversity will be part of the landscaping detail to be submitted as a Reserved Matter should the outline planning application be granted.

2.11

The following mitigations are recommended in the PEA that will be part of the Approval of Reserved Matters application if this application is granted. They are,

1. A temporary protection zone for native hedgerow with associated bank habitat during the construction phase.
2. Reasonable Avoidance Measures are recommended for amphibians.
3. Mitigation for badger and hedgehog during the construction phase.
4. Precautionary light mitigation in relation to light-averse bats.
5. Mitigation for nesting birds.
6. Control of invasive plant species to prevent spread beyond the Site.

3. POLICIES AND CONSIDERATIONS:

3.1

National Planning Policy Framework – December 2023 (NPPF)

Paragraph 7 of the NPPF states,

The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental.

The economic objective is to ensure that a strong economy will be built by ensuring sufficient land of the right type and right place is available.

The social objective is to support a sufficient number and range of homes can be provided to meet the needs of present and future generations.

The environment objective is to protect and enhance the natural and built environment, improving biodiversity and moving to a low carbon economy.

COMMENT:

1. The construction of a new dwelling will provide local employment and a contribution to the local economy in accordance with the economic objective of the NPPF.
2. The proposed bungalow will provide a home to meet the future needs of the applicants in a location they have lived in for 30 years. This meets with the social objective of the NPPF.
3. The natural environment will be enhanced by the additional landscaping and net gain in biodiversity that will be part of the Approval of Reserved Matters. The detailed plans for the bungalow will also have to comply with the Council's Climate Change and low carbon policies. The social objective of the NPPF will also be met.

3.2

The NPPF at its heart has a presumption in favour of sustainable development (Paragraph 11). In decision making the NPPF states that development proposals should accord with an up-to-date development plan.

Paragraph 47 of the NPPF states,

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

3.3

The development plan for the determination of the application is,

1. The Cornwall Local Plan adopted in November 2016 and the Landulph Neighbourhood Plan adopted in April 2019.

Additional documents and case law that are relevant in the determination of the application are,

2. The Chief Planning Officer's Advice Note (CPOAN) – Infill/rounding off (December 2017).
3. The case *Dartford Borough Council -v- SSCLG* [2017] relates to the meaning of “previously developed land” (PDL). This Appeal Court decision confirms the application site to be considered as PDL because the site is not land within a ‘built-up’ area whereby the definition of PDL specifically includes garden areas in ‘built-up areas.

3.4

Cornwall Local Plan (CLP)

Policy 3 of the CLP states that the development of housing in the rural areas should be through,

“The identification of sites where required through Neighbourhood Plans.”

“Infill schemes that fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside.”

Policy 12 – Design, Policy 13 - Development Standards and Policy 14 – Renewable and low carbon energy are more appropriate for consideration at the Approval of Reserved Matters stage should this outline planning application be granted.

Policy 21 – Best use of land and existing buildings states,

“To ensure the best use of land, encouragement will be given to sustainably located proposals that:

- a. use previously developed land and buildings provided that they are not of high environmental or historic value.”*

COMMENT

1. The policies in the Landulph Neighbourhood Plan and the guidance in the CPOAN is set out below.
2. The application site is not within a built-up area. The garden area, as part of the application site, under the principle established in the Dartford case (See 3.3(3) above) is PDL and therefore its development is supported by Policy 21.

3.5

The Chief Planning Officer’s Advice Note (CPOAN) – Infill/rounding off (December 2017).

The CLP supports Cornwall’s dispersed settlement pattern. It steers larger scale growth to the main towns as named in Policy 3 which also and also supports unplanned ‘organic’ growth in and adjacent to Cornwall’s existing city, towns, villages and hamlets, but not normally in the open countryside.

The CPOAN expands upon the text in Policy 3 and defines what a settlement is as,

“Smaller villages and hamlets should have a ‘form and shape and clearly definable boundaries, not just a low-density straggle of development’ (paragraph 1.68 of the CLP).”

In defining settlements the CPOAN states, there are no expectations of services or facilities and that smaller villages and hamlets should

“Be part of a network of settlements and/or be in reasonable proximity to a larger village or town with. This requires a decision maker to consider the proximity, accessibility and relationship of a smaller village or hamlet to other settlements, facilities, employment and services required for day to day living. In a rural place like Cornwall, other than in our city or towns it is unrealistic for public transport, walking and cycling to meet all of residents’ transport needs alone.”

3.6

The CPOAN defines infill as,

“Development that would fill a gap in an otherwise continuous frontage which will normally be a road frontage. The layout and density of the development should be in character with and similar to others in the continuous frontage. Development should not diminish a large gap that is considered important to the setting of the settlement.”

COMMENT:

1. Landulph Cross is a settlement that has a clear form and shape and has clearly definable boundaries.
2. Landulph Cross is part of a network of settlements and is in proximity to the main town of Saltash.
3. The application site is a gap as part of a continuous frontage to a road.
4. The development of the plot by a single detached bungalow is in character and similar to others in the adjoining road frontage.
5. The development of the plot will not diminish a large gap within the setting of the settlement.

The proposed development of the application site will comply with Policies 23 and 21 of the CLP and the guidance in the CPOAN in relation to ‘infill’ development.

3.7

Landulph Neighbourhood Plan (LNP)

The application site lies within the Tamar Valley Area of Outstanding Natural Beauty (ANOB). Notwithstanding, the LNP allows for housing development under **Policy 1 – New Development**. It states,

“1. Proposals for new housing development of five dwellings or less that meet the criteria set out within Policy 3.4 of the Local Plan will be supported where:

i. the total number of housing permissions, through the course of the NDP period, facilitate the delivery of approximately 20 dwellings; and where,

ii. proposals for all new housing developments are on ‘standalone’ sites which respect the scale and location of the sites concerned.

iii. The development preserves open views and protect the residential amenity of neighbours, minimise any loss of trees, hedges or other natural features that form part of the character of the parish, and maintain or enhance biodiversity, in acknowledgement of the Tamar Valley AONB Management Plan.

iv. Building styles, height, design, materials and roof scape are in keeping with the individual character, reflect the local distinctiveness of Landulph parish, including its Conservation Area, to make a contribution to the rural nature of the Tamar Valley AONB. Development should also conserve, enhance and promote the existing nature of the buildings found in the immediate vicinity of its location, to avoid an excessive variety of building form. “

3.8

Policy 3 (4). Referred to in policy 1 of the LDP above states,

“Within the AONB or its setting, development will be supported where it is in accordance with the other policies of this Plan and can demonstrate that it conserves and enhances the

landscape character and natural beauty of the AONB.”

COMMENT:

1. The LNP has a presumption in favour of housing, notwithstanding the location of the Parish within the AONB. The application site is unseen from public view as it is set behind a high roadside hedge. As a result, the appearance and character of the AONB will be conserved. The proposals for landscaping and the enhancement of biodiversity, to be confirmed at the Approval of Reserved Matters stage, will ensure the enhancement the landscape and natural beauty of the AONB.
2. The site for a single dwelling is part of a proposal is on a “*standalone’ site which respects the scale and location of the sites concerned.*” The proposed bungalow sits comfortably between, and aligns with, the dwellings of ‘Tregwheal’ and ‘Chapel Coombe’.
3. The single storey building style is in keeping with the individual character and will reflect the local distinctiveness of Landulph Parish. At the Approval of Reserved Matters stage details of the final building style, design and materials will be considered.

The proposal complies with the policies of the LDP.

4. CONCLUSIONS:

4.1

Paragraph 47 of the NPPF, section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 state,

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

4.2

The policy considerations in Section 3 above determine that that the relevant policies of the development plan within the Cornwall Local Plan and the Landulph Neighbourhood Plan are complied with.

In addition, the guidance contained in the Chief Planning Officer’s Advice Note relating to ‘infill’ is also complied with.

4.2

The application contains full surface water and foul drainage proposals, a Preliminary Ecological Appraisal and a Phase 1 Desk Top contamination study. No issues have been raised that suggest that the proposed development should not proceed.

4.3

It is submitted that as there are no other material considerations that indicate otherwise, the outline planning application for a “*Detached bungalow, access and parking area*” with the matters of access, layout and scale being determined at the outline stage, on land adjacent to ‘Tregwheal’, Landulph Cross, Saltash, Cornwall, PL12 6QQ should be granted.

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28th February 2024