

From:James Patrick
Sent:8 Jan 2018 14:09:01 +0000
To:Mark Evans (mark@markevansplanning.co.uk)
Bcc:Robinson Vic
Subject:PA17/03216/PREAPP The Spaniards Inn, Cargreen: Pre-app response



Mark Evans Planning Limited

Cedar House, Membrand

Newton Ferrers

Plymouth

PL8 1HP

My ref:

PA17/03216/PREAPP

Date:

8 January 2018

Dear Mr Evans,

Pre-application advice for demolition of two storey and single storey extensions and redevelopment to provide a new two storey extension comprising new restaurant/licensed/lobby areas, extensions of the stone plinth, erection of eight residential units, and the construction of a pontoon and decking area from the quayside and associated access, parking (including underground parking), infrastructure and landscaping.

The Spaniards Inn Fore Street Cargreen Saltash Cornwall for Mr T Arnold.

I refer to your recently submitted pre-application advice form and attached details received on the 23rd November and to our meeting in the Council's office on 12th December with your clients and architect Adam Benns, together with Landulph

Parish Council chair Martin Worth and Heritage Officer Victoria Robinson regarding the potential for the above proposal. I am familiar with the site, and I have undertaken a review of the site planning history and planning policy context and additionally discussed the matter with senior colleagues. Accordingly I can now advise you as follows.

Site Planning History

Over the years the site has been the subject of a number of planning enquiries and applications, with applications for broadly similar schemes having been refused in 2003, 2010, 2012 (dismissed at appeal in 2013), and most recently in 2016 (PA16/02479). As the documents submitted as part of the current planning enquiry relate to modifications of the 2016 scheme, it is considered that the most appropriate response here is to assess whether the draft modifications as submitted successfully address the 5 reasons for refusal. So, taking them in reverse order:

Reason 5: s106 agreement

In the absence of a completed s106 legal agreement, the proposed development would fail to make adequate provision to mitigate its impact on community infrastructure and services. As such the proposal conflicts with paragraphs 9, 50 and 72 of the National Planning Policy Framework 2012 and saved policies CO1 and HO11 of the Caradon Local Plan First Alteration 2007 - the latter insofar as it accords with the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and also the subsequent amendment of the National Planning Practice Guidance at Paragraph: 031 Reference ID: 23b-031-20160519.

As we discussed, this was a 'technical' refusal reason, as your clients had indicated and now indicate their willingness to enter into a legal agreement to secure community contributions. Although this reason therefore seems surmountable, clarification is given below as to what would be likely to be needed to secure an acceptable legal agreement in this regard:

Affordable housing

The affordable housing team CONDITIONALLY SUPPORT the proposal subject to securing a commuted sum of £68,400.

Relevant Policy Position:

Development Management has confirmed the relevant policy position;

a) Our comments are in conformity with the NPPF ref paragraph 55.

b) We have considered these proposals in relation to policy 8 of the emerging local plan

2010-2030

c) Comments are made in-line with the Affordable Housing Supplementary Planning Document. The SPD (consultation draft) can be found at

www.cornwall.gov.uk/affordablehousingspd

Review of proposal:

A response was provided in 2016 regarding this site, during which it was highlighted the

then recent changes to legislation regarding site thresholds for affordable housing.

Comments on this application are therefore consistent with that approach.

Housing Need Justification:

The housing needs evidence indicates a low level of housing need in Landulph with 2

households registered on Homechoice. The neighbouring town of Saltash however still has a very high housing need with Homechoice identifying 455 households in housing need. In light of the above, the Affordable Housing Team considers that it is still reasonable to require this development to contribute towards the delivery of

affordable housing within the wider area, through the provision of an affordable housing off-site contribution.

Detailed Requirements:

The level of contribution has been calculated using the Council's Single Dwelling Tariff of £57,000, and is calculated on the net gain of units in excess of 5-dwellings. Based upon an 8-unit development, this would equal 3 dwellings.

Landulph falls within value zone 2, which requires an affordable housing contribution of 40%. Taking this into account, 40% of the 3 dwellings should be provided as affordable housing, in the form of an off-site contribution. This is calculated using the council off-site contribution tariff as follows:

$3 \text{ dwellings} \times 40\% = 1.2 \text{ affordable dwellings. } 1.2 \times £57,000 \text{ (tariff)} = £68,400$

This includes the Council's enabling activity fee, which reflects the Council's resources required to enable affordable housing to be built on an alternative site.

In-line with the National Planning Practice Guidance issued in May 2016, 100% of the contribution will be required upon completion of the development.

A Section 106 obligation will be required to ensure that the affordable housing contribution is secured. Guidance on this can be obtained from the Affordable Housing Supplementary Planning Document and the Council's standard section 106 precedents.

More Information:

Applicants should be referred to the Affordable Housing Supplementary Planning Document and the Council's standard section 106 precedents for detailed guidance.

Dale Webb – Principal Development Officer

Other community benefits:

Depending on the number of dwellings sought for the site it is possible that contributions will be sought towards the provision of other community benefits, as below.

Public Open Space (POS)

Notwithstanding the proposed element of public open space to be provided as part of the proposal, there may be a requirement for off-site open space provision which would be secured via legal agreement. The scale and type of provision would need to be discussed with our Public Open Space Team and a good contact would be Stuart Wallace – Public Space Officer Tel: 01209 614097.

Education

A contribution towards educational infrastructure is normally required on all open market of two bedrooms or more, this contribution is currently £2,736 per qualifying unit. I suggest you contact Barrie McIntosh bmcintosh@cornwall.gov.uk to ascertain whether / what is the nature of any deficiency in primary and secondary school capacity in the area. Furthermore, whether any identified deficiency can be satisfactorily addressed via a financial contribution to add additional capacity to existing facilities.

Viability

Lastly, please note that if the full policy requirements for affordable housing, POS or education contributions are not offered it will be necessary for a bespoke development appraisal aka an Economic Viability Assessment (EVA) to be submitted. Further information on economic viability including a toolkit can be found on the Council's website.

Reason 4: Ecology

The pontoon, linkspan bridge and oversailing decking area would involve development within the Plymouth Sound & Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area

(SPA). Although a shadow Habitat Regulations Assessment has been submitted for the proposal, it has not considered the potential impact of the proposal in combination with other developments locally. As such it is not possible for the Council as competent authority to conclude that the proposal would not have an adverse effect on biodiversity and that it would not adversely affect the integrity of the sites named above. It is not considered that there is an imperative over-riding public interest in this instance.

Accordingly the proposal conflicts with paragraphs 109 and 118 of the National Planning Policy 2012 and saved policies CL1, CL12, CL15 and CL16 of the Caradon Local Plan First Alteration 2007.

In this ecologically sensitive location, the Council has to be able to be certain that harm would not result from any development proposal. To this end I would advise that your client engages an ecologist familiar with the Habitat Regulations Assessment process.

I have been in touch with the Council's ecologist Natasha Collings-Costello, who has stated her willingness to being contacted direct on ncollingscostello@cornwall.gov.uk should your specialist have any particular queries.

In the light of the other concerns with the earlier scheme, this ecological aspect of the proposal was not pursued. However, it seems likely, that, as above, this reason too is surmountable.

Reason 3: Neighbour's amenity

It has not been demonstrated that noise and fumes from the venting units proposed to serve the pub/restaurant element of the proposal would not materially degrade the amenity of occupants of dwellings Kalyan, Prideaux Cottage and Kilna set close to the site's south-west boundary. In addition the bulk and close proximity of the proposal would have an unacceptably overbearing impact upon users of the garden areas of these three properties. Lastly, there would be a short intervening distance between the dwellings proposed for Plots D and E and the rear/north-east windows of No.12 Hoddors Way. This unduly close proximity would materially degrade the

privacy of occupants of both the existing and proposed dwellings. Accordingly the proposal conflicts with paragraphs 9 and 17 (bullet point 4) of the National Planning Policy 2012 and saved policy ALT2 of the Caradon Local Plan First Alteration 2007.

With the deletion of the northernmost element of the inland terrace – i.e. that opposite No.12 Hodders Way the issue that led to the final part of the above reason has now been overcome.

With regard to the impact upon occupants of Kalyan, Prideaux Cottage and Kilna, as detailed worked up drawings have not been supplied it is not possible at this time to be sure that any impact would be within acceptable limits. However it is appreciated that the ridge line of the rear extension of the pub has been dropped, which can be anticipated to go some ways towards lessening such harm.

Lastly, in 2016 details of likely noise and odour impacts from any mechanical venting system – and the exact locations of such vents - were not supplied. To overcome these issues I would advise that your clients take advantage of the Council's 'Environmental Health – Technical Advice For Planning applicants' (EH-TAP) service, details of which are available via the Council's website.

To conclude on this reason, again it does not seem insurmountable.

Reason 2: Flood Risk

This proposal seeks to locate dwellings in a location at the highest risk of flooding, without convincing justification as to why they cannot be located in a safer site elsewhere. As such the proposal conflicts with paragraphs 100 and 101 of the National Planning Policy 2012 and saved policy ALT4 of the Caradon Local Plan First Alteration 2007.

As you know from our meeting my concerns remain that it is difficult to see how a proposal for dwellings on the site might be considered to pass the sequential test. I

say this particularly in the light of the emergent Landulph Neighbourhood Development Plan (NDP), a revised November 2017 version of which is available at <http://www.landulphplan.org.uk/> . Although not yet 'made', national guidance on the government's website, (the NPPG) makes it clear that the plan should be accorded 'increasing' weight. The NDP is clear that housing development is not preferred on the quay, but planned for elsewhere in the parish. In the light of this, it would appear difficult to argue that there are not other, preferable sites locally at a lesser risk of flooding that could not be developed in preference to the subject site. I understand from our meeting that you consider that it would be possible to generate a Flood Risk Assessment that asserts the contrary position, however my concerns on this matter remain and I do not see how this reason would be surmountable.

Reason 1: Visual Impact

The proposal, by reason of its height and massing, would appear unduly dominant in its sensitive setting and would fail to protect and enhance the character and appearance of the Cargreen Conservation Area and fail to protect the natural beauty of the landscape of the surrounding section of the Tamar Valley Area of Outstanding Natural Beauty. As such it conflicts with paragraphs 115, 131 and 137 of the National Planning Policy 2012, saved policies ALT2, CL6 and EV2 of the Caradon Local Plan First Alteration 2007 and advice within the Cornwall Design Guide 2013, particularly at section 4.9.

In my view the constraints on development presented by the site falling within both the designated Cargreen Conservation Area and Tamar Valley AONB have to date consistently been problematic for your clients' proposals for the site – and remain so now. Although with the latest iteration there has been some reduction in the amount of built form being sought for the site, the scale and massing remain harmfully disproportionate to the established scale and grain of the conservation area. Ultimately the (albeit reduced) proposal is too urban for what is a modest village, of tight grain, set within an Area of Outstanding Natural Beauty. Both this and the architect's 2016 schemes could have been considered good design for some alternative, un-similarly designated, more urban location: but not here.

To confirm then in my view the current proposal does not satisfactorily address this reason for refusal. This opinion is complemented by that of the Conservation Officer, as below.

Heritage Impact

Further to our meeting on the 12th December we offer the following advice;

We provided some advice on this site previously through PA14/02696 where we commented on the design, based on the volume of development being put forward. HEP (Conservation) were not consulted on the previously refused application PA16/02479 but we have read the comments provided from Historic England are likely to have come to a very similar view vicariously, had we been consulted.

Cargreen is a very modest waterside settlement which is characterised by its linear form stepping down the road towards the waterfront. The 18th and 19th century historic buildings largely address the road frontage, rather than the river. The only buildings historically fronting the river were those relating to commercial practices, notably the manure works associated with the expansive market gardening which had established surrounding the settlement. There were 3 quays and a ferry crossing shown on the historic maps indicating much movement of goods and people historically. The historic buildings along Fore Street are typically 2 storeys with low eaves and small apertures, mostly terraced (the notable exceptions being an early 19th century double fronted property, modern property and pair of Edwardian villas set back from the road on the north side). The only gable fronted building is believed to be the former Baptist Chapel.

There has been some unsympathetic late 20th century development in the form of large detached properties in cul-de-sac form and some of this (Hodders Way and Cloake Place) is within the conservation area boundary. Presumably the boundary was drawn to take in the former burgage plots on the north side of Fore Street.

Notwithstanding this, Cargreen retains its traditional village character and vernacular scale. The existing quay side is relatively free from development, aside from the surviving converted manure works and the pub extensions, although the historic maps do show a historic precedent of a linear building aligned alongside the river further along from the existing pub. This was probably a commercial/industrial building, sited to take advantage of easy access to the river.

The Cargreen Conservation Area was designated in 1979 but doesn't benefit from a character statement or conservation area character appraisal and management plan. We expect that if such a piece of work was done that the Crooked Spaniards would be identified as a non-designated heritage asset and also as a building at risk and opportunity site.

We note that the recently refused scheme was not accompanied by a heritage statement. Any revised application will require a Heritage Statement and Heritage Impact Assessment (the former would usually be used to inform and shape the proposed development). The heritage statement should contain a statement of significance, which identifies the affected heritage assets and gives a summary of their heritage significance (significance being the sum of its historic, architectural, archaeological/evidential and artistic interest), including the contribution the assets setting makes to its significance, and a heritage impact assessment, which demonstrates how significance would be affected by specific proposals, whether positively or negatively, whether and how great any harm might be, and what measures will be taken to mitigate (avoid, reduce or offset) any harm. The HIA should address direct and indirect impacts, the indirect impacts include views from in and around the settlement and from wider views from and across from the river.

The following Historic England guidance is relevant;

Seeing the history in the view;

<https://historicengland.org.uk/images-books/publications/seeing-history-view/>

The setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3

<http://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

Heritage statements will often need to be informed by (usually professional) individuals with relevant expertise. The analysis should draw from the guidance and methodology contained in the guidance highlighted above.

We note the revised footprint and height outline shown on sketch 3246/SK50. The reduction in massing and attempt to provide greater breakages in the linear form of development is welcomed, however, we do question whether this would be enough

to overcome previous concerns raised by Historic England and the points made by the inspector on the earlier refused scheme that;

- The development would screen views of the historic core and the verdant backdrop by its massing and form;
- The overall height of the development would be excessive in this small village context;
- The glazed surfaces would be alien to the character and appearance of the village;
- It would dominate the village.

Historic England considered the proposals were out of scale with the existing settlement and would become the dominant feature, blocking views of the CA from the river. There were also concerns over the extension to the pub itself dominating the host building, the solid plinth and lack of meaningful gaps in the proposed blocks. From the drawing provided, whilst there are notable improvements, we are not convinced the changes go far enough to mitigate earlier concerns. Additionally the levels of glazing and fronting gables tend to reinforce the unwelcome urban feel criticised previously.

Essentially the issues of scale, massing and the urban feel of the development remain. The applicant has stated that 8-9 residential units in addition to the pub are required to facilitate the pub re-opening. An enabling development case seems to be being put forward and we can see that there are significant heritage benefits in re-opening the pub (vitality of conservation area), the restoration of a non-designated heritage asset (the pub) and in restoration of the historic quay. However, if the applicant is making a case for enabling development we refer them to the guidance set out in Historic England's 'Enabling Development and the Conservation of Significant Places'

<http://www.english-heritage.org.uk/publications/enabling-development-and-the-conservation-of-significant-places/>

The guidance advises us that enabling development should be subject to certain criteria and the development should;

- not materially harm the heritage values of the place or its setting
- avoid detrimental fragmentation of management of the place
- secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- demonstrate that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- demonstrate the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

In this respect we cannot see how the development currently fits with the above policy as presently it would result in harm to the character and appearance of the conservation area, and harm to the fabric, planform and setting of the pub, as a non-designated heritage asset. Ultimately, the applicant would need to provide clear and convincing justification that the amount of enabling development is the minimum necessary to secure the future of the place. This viability information has not been provided and it has not been demonstrated that any development is necessary beyond the limits of the existing unsightly late 20th century pub extensions.

We consider that the starting point would be to clarify the above in terms of the minimum amount of development necessary to bring forward a sympathetic scheme to re-open the pub and restore the building to a conservation standard. We also recommend that the applicant produces a comprehensive Heritage Statement to help shape and inform future development in order that it assimilates with the scale, rural feel and vernacular character of the settlement and preserves key views.

We hope this advice is useful, we also recommend that the applicant also approaches Historic England for pre-app advice.

Victoria Robinson BSc(Hons), PGDip

Senior Development Officer (Historic Environment)

Final comments

To conclude, I would advise that to be capable of being supported any development proposal for the site – rather than the slight shaving here – should exhibit a step change reduction in the quantum of built form intended for the site, in a manner that would then demonstrably protect the character and appearance of the Cargreen Conservation Area and the natural beauty of the Tamar Valley AONB in which it lies.

Weight of this advice

I hope that this response goes some way to clarifying the degree of risk associated with the proposal.

These views are officers own. Any advice given by Council officers for pre-application enquiries does not indicate a formal decision by the Council as local planning authority. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.

You should therefore be aware that officers cannot give guarantees about the final formal decision that will be made on your planning or related applications. However, the advice issued will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours sincerely,

Patrick James BSc Arch MA MRTPI

Principal Development Officer

Strategic Development Team

Planning & Sustainable Development Service

Economic Growth and Development Directorate

Cornwall Council

Tel: 01208 265704 ext'l; 415704 int'l

patrick.james@cornwall.gov.uk

First Floor, South Wing

Chy Trevail, Beacon Technology Park

Bodmin, Cornwall PL31 2FR

www.cornwall.gov.uk