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LAND ADJOINING THE SCRAPYARD, BUSVANNAH, PENRYN, CORNWALL

**APPLICATION FOR PLANNING PERMISSION, SUBMITTED TO CORNWALL COUNCIL, FOR THE
ERECTION OF A DWELLING**

POLICY ASSESSMENT AND ACCESS AND DESIGN STATEMENT

FOR MR J MAY

FEBRUARY 2013

1. RELEVANT BACKGROUND

- 1.1 This statement has been prepared by Stephen Payne Planning Ltd, Town Planning Consultants, on behalf of Mr J May, owner of the land within which the application site is located and of the adjoining scrap yard. The statement accompanies an application for full planning permission for the erection of a dwelling, and is intended to explain and support the proposals in all material respects.
- 1.2 The applicant presently lives in Mylor Bridge, approximately 1.5 miles from the site, and proposes to build a home for his family in an area of land within the boundaries of the scrap metal yard which he has owned and managed for many years. On-site accommodation is by no means essential in connection with the operation of the scrap yard: indeed, the business has flourished for many years without an on-site dwelling. Nonetheless, there are significant and material benefits to living on the premises, including that he can be closer to his place of work, thus reducing his daily commute, enabling him to provide a more flexible service for his customers and enabling him to provide an element of 'round-the-clock' surveillance of his business premises which are invariably vulnerable to theft, trespass and vandalism.
- 1.3 The site has a short but significant planning history. Planning permission was refused on 22 February 2000 for the erection of a dwelling (reference C1/PA01/0268/00/S): this decision was then the subject of an appeal to the Planning Inspectorate, which was dismissed on 29 September 2000 (reference APP/P0810/A/00/1046646). Subsequently, and much more recently, a Certificate of Lawfulness for Existing Use or Development was issued on 15 December 2010 (reference PA10/06695) to certify the 'existing use of land as a scrap yard and skip hire with builders waste transfer'.
- 1.4 Notwithstanding that the application site lawfully comprises part of the scrap yard, its appearance and character are those of a domestic garden: land to the western side of the store/office building is laid primarily to grass, and contains a number of small structures which accommodate the family's domestic pets.

- 1.5 The application is submitted in accordance with advice contained in paragraphs 56 and 80 thro 104 of Circular 1/2006, in respect of **'What is Required in a Design and Access Statement'**.
- 1.6 This Statement has been prepared in accordance with guidance contained in the publication by the Commission for Architecture and the Built Environment (CABE) entitled, 'Design and Access Statements'. We are familiar with the Penryn area and have carried out a site inspection for the purposes of advising our client and of preparing and formulating this application.
- 1.7 Part 1 of CABE's 'Design and Access Statements' suggests that, *"Statements are documents that explain the design thinking behind a planning application."* The detailed considerations in that respect, related to the development plan and to other material considerations, including supplementary planning guidance, are set out below.
- 1.8 The application comprises the following plans and documents:-
1. Drawing no 2725:1 – various scales @ A1;
 2. Drawing no 2725:2 – various scales @ A1;
 3. Envirosearch report by Landmark Information Group;
 4. Sensitive Development Questionnaire;
 5. Non mains drainage assessment; and
 6. Policy Assessment and Design & Access Statement by Stephen Payne Planning Ltd.

2. POLICY ASSESSMENT

- 2.1 The planning system nationally is at a stage of fundamental transformation. Although, for the purposes of S38(6) of the Planning and Compulsory Development Act 2004, the development plan in force in respect of the area to which this proposal relates continues to be those saved policies contained in the Cornwall Structure Plan 2004 and

the Carrick District Local Plan 1998, the reality is that those policies are out-of-date. A Core Strategy has been issued as a draft for consultation, but no weight can as yet be afforded to the policies within it. Nationally, with effect from 27 March 2012, all planning policy guidance notes and planning policy statements have been replaced by the National Planning Policy Framework (NPPF).

- 2.2 As clarified by paragraph 215 of the NPPF, only limited weight may be afforded to policies contained in both the Cornwall Structure Plan 2004 and the Carrick District Local Plan 1998, and then only in circumstances where there is no conflict with policies in the NPPF. Above all, development proposals which are sustainable should be approved without delay in accordance with the 'golden thread' which underpins the whole of the NPPF (paragraph 14). Our following assessment is undertaken on that basis.

National Planning Policy Framework (NPPF)

- 2.3 Replacing guidance contained previously in paragraph 54 of Planning Policy Statement 3: Housing, the NPPF at paragraph 47 continues to emphasise the importance of a minimum five-year housing land supply. Cornwall Council's 2012 Cornwall Authority Monitoring Report indicates that, at present, there is not a five-year supply of housing land, when considered against the Council's preferred option of 48,000 new homes.
- 2.4 Guidance in paragraph 49 of the NPPF states that, "*Housing applications should be considered in the context of the presumption in favour of sustainable development.*" Guidance at paragraph 14 confirms the Government's policy that, "*at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking, this means approving development proposals that accord with the development plan without delay.....where the development plan is absent, silent or relevant policies are out of date, granting permission unless.....any adverse effects of doing so would significantly and demonstrably outweigh the benefits...*"

2.5 This proposal is demonstrably in accord with guidance in the NPPF as follows:-

- Paragraph 9 - *Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes (our underlining).*
- Paragraph 17 – one of the twelve core principles is that, *planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*: plainly, this land is not of any environmental value;
- Paragraph 47 – *to boost significantly the supply of housing, local planning authorities should identify deliverable sites sufficient to provide five years worth of housing*: in that respect, as confirmed by the Annual Monitoring Report 2011, the available and deliverable supply of land is significantly less than five years, reflecting the urgency to provide housing within the county as a whole;
- Paragraph 49 – *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.* As described above, (i) relevant policies for the supply of housing are significantly out of date and (ii) the LPA cannot demonstrate a five year supply of housing: therefore, the presumption in favour of development of this land, in a sustainable urban location, utilizing 'previously developed land', clearly applies;

2.6 The clear position in respect of the above guidance is that:-

- The application site comprises land which is part of the existing scrap yard (as confirmed by the granted Lawful Development Certificate in 2010), as distinct from being land which comprises the surrounding countryside: consequently, it also comprises 'previously developed land' as defined in Annex 2 of the NPPF. As the image below confirms (source: Google Earth), the context of the application site is demonstrably that of an urban, developed site, and one which is in close proximity to, and in reality part of, the urban area of Penryn;



- The site is accessibly located in terms of its proximity to public transport links (bus stops and Penryn railway station), shops, amenities and community facilities, all of which can be found well within, and up to, approximately 1 mile of the site;
- It is clear from the residential development at Gabbons Nursery (approximately 250m to the west of the application site and now known as Strawberry Fields) that extending Penryn to the north is suitable and sustainable in terms of meeting the identified housing needs of the local population and the County as a whole: the application site is directly comparable in terms both of its close

juxtapositions to the urban area and of its historic use unrelated to agriculture or to the countryside;

- The Council cannot demonstrate a five-year supply of housing land, when considered against their preferred target of new homes;
- The development proposed is 'sustainable' in all respects in terms of the guidance contained in the NPPF relating to the economic, social and environmental roles of the planning system.

Cornwall Structure Plan 2004

- 2.7 **Policy 1 of the Cornwall Structure Plan 2004** entitled, 'Principles for Sustainable Development', provides that development should be compatible with the regeneration of towns and villages in meeting the needs of their population and surrounding area as they arise. This proposal achieves precisely that objective, providing a suitable home for local people in a manner which, in terms of the economic, social and environmental considerations of the NPPF, is sustainable in all respects.
- 2.8 **Policy 2 of the Cornwall Structure Plan 2004**, entitled 'Character Areas, Design & Environmental Protection', provides that development must respect local character through siting, design, use of local materials and landscaping. The proposed dwelling will be contained within the established physical boundaries of the scrap yard, well screened from the surrounding areas by existing trees/hedging. Therefore, the dwelling will not be prominent from surrounding areas but, in any event, it has been sited and designed so as to be consistent with its setting such that, notwithstanding that it will be inconspicuous from public viewpoints, it will fully respect local character. Consequently, it has been unnecessary for landscape details to be provided on the submitted plans, although it is anticipated that a standard landscaping condition will be imposed in the event that planning permission is granted: it is to be noted in particular that all existing boundary trees/hedging are to be retained. The materials proposed for the exterior of the dwelling are of high quality, consistent with those on the exterior of the nearby dwellings, as noted on drawing no 2725:1.

- 2.9 **Policy 10 of the Cornwall Structure Plan 2004** provides that most new housing should be in or well integrated with the main urban areas and, in order of preference, should re-use previously developed land and buildings, use other sites in urban areas and extend urban areas in locations with good public transport links. In this instance, the application site comprises previously developed land which forms part of the existing scrap yard, which in itself is well-related to the existing urban area of Penryn (which has recently been extended to the north to accommodate new residential development), and has excellent public transport links to Penryn and further afield (the nearest bus stop is located approximately 200m away and Penryn train station is located just under a mile away).
- 2.10 Having regard to the above, and with reference to guidance in paragraph 49 of the NPPF, the proposal should be reasonably considered in the context of the presumption in favour of sustainable development.

Carrick District Local Plan 1998

- 2.11 **Policy 3A**, entitled, 'Protection of Countryside', provides that planning permission will be refused for development which would have a significant adverse impact upon the former District's biodiversity, beauty, diversity of landscape, the character and setting of its settlements, the wealth of its natural resources, nature conservation, and agricultural, historic and recreational value. In this instance, the proposal will not involve the removal of any natural features to facilitate the development, the dwelling itself will be well screened from the surrounding areas by trees/hedging, and such hedging/screening will be retained and, where appropriate, further enhanced.
- 2.12 **Policy 6CB** provides that small scale residential development proposals, within the Falmouth and Penryn urban areas, will be granted. The proposal accords with the criteria within **policy 6CB** as follows:-
- (i) The site is within the built-up area of Penryn such that its development could not conflict with policies in the Plan relating to the countryside: that is

confirmed by the lawful use of the application site and by its contextual setting which is quite unrelated to the countryside;

- (ii) Safe access to the area of the site can be provided: it already exists and is in use to serve the scrap yard. A new internal road has been constructed in recent years to serve the scrap yard in order to minimise disturbance and loss of amenity to occupiers of neighbouring residential properties as a result of vehicle movements to and from the scrap yard. In that context, given the accessible location of the site and the comparatively limited vehicle movements associated with a single dwelling, the access arrangements are demonstrably acceptable: indeed, insofar as it is the Applicant's intention to occupy the proposed dwelling himself, and for it remain part of the scrap yard property as a whole for the benefit of his children in the future, the consequence of the development will be a reduction in vehicle movements as journeys to work are eliminated;
- (iii) Adequate provision can be made for foul and surface water drainage without causing any adverse environmental impact. In accordance with the Environment Agency publication 'An Introduction to Sustainable Urban Drainage' (SUDS), the roof drainage and that from other impermeable areas within the site will, subject to satisfactory permeability testing of the ground conditions, discharge into soakaways. Foul drainage will discharge to a septic tank, in respect of which the application is accompanied by the Environment Agency's non-mains assessment.
- (iv) For the reasons described below in the Design Statement below, the development in this area of mixed character is designed to respect the surrounding area in terms of scale, height, materials and alignment.

The September 2000 appeal decision

- 2.13 That decision letter constitutes a material consideration but, given its age and, more importantly, the intervening changes in circumstances, it is not a consideration which

outweighs guidance in the NPPF of the policies contained in the development plan. In particular, the following are emphasised:-

- The appeal was dismissed on the basis of policy H11 of the Cornwall Structure Plan 1997, a policy document which was superseded some 7 years later;
- In paragraph 3 of his decision letter, the Inspector records that, *“I find the limit of the built-up area extends up the hill as far as the junction of Church Hill and a lane called Round Ring.”* That description is no longer accurate insofar as the urban area has been significantly extended as a consequence of the Gabbons Nursery/Strawberry Fields development;
- Having regard to the Certificate of Lawfulness issued in December 2010, confirming the status of the land as ‘previously developed’ as part of the scrap yard, the site can no longer reasonably be described as lying in the countryside or in a rural area;
- Finally and most importantly, the definition of sustainable development has materially changed as a consequence of the NPPF. This proposal fulfils a **social** function by providing a home for the applicant and his family on land which has been in his family’s ownership for many years and is intended to remain so, fulfils an **economic** function by supporting the applicant’s business and fulfils an **environmental** function insofar as it utilises previously developed land in an accessible urban location within any adverse visual or other impacts. The development is therefore sustainable and should be approved without delay.

3. DESIGN STATEMENT

3.1 Circular 1/2006 advises that most applications for planning permission should be accompanied by a ‘Design and Access Statement’. The corresponding guidance from the Commission for Architecture and the Built Environment (CABE) explains the basis

on which such a statement should be prepared: so far as is necessary and relevant to this small scale proposal, all of the elements referred to in the CABE guidance are addressed below:-

- The **use** of the building and of external spaces is entirely clear from drawing no 2725:2. The area of land within which the application site is located presently comprises part of the existing scrap yard: as shown on the submitted plan, the land is to be sub-divided in order to accommodate the proposed dwelling, the access drive to it and the garden, parking and turning spaces to serve it. Not all of the land will be utilised, thus ensuring that future development of the land will not be prejudiced;
- The **amount** of development is clarified by the submitted plans, namely a single, detached, two-storey dwelling, comprising an entrance porch with storage space, a hallway area, a lounge, a kitchen, a dining room and a WC, on the ground floor. On the first floor, there will be a master bedroom with an ensuite bathroom, two further bedrooms, a bathroom and further storage space. A garage and utility room will adjoin the dwelling at ground floor level;
- The **layout** is satisfactory in visual terms, and in respect of mutual privacy for existing and future occupiers: the garden area is well-related to the dwelling and is more than adequate in terms of its shape, size and accessibility. Internally, the dwelling has been designed with well-proportioned rooms which will function well with one another;
- The **scale** of the development is appropriate in all respects, particularly in terms of its relationship to the nearby properties, Kin Mar Cottage, Busvannah Cottage and Bay View, notwithstanding that it will largely be inconspicuous from public viewpoints.

- In respect of **landscaping**, it is anticipated that a standard landscaping condition is to be imposed which, inter alia, should require a scheme to be submitted for approval showing all existing and proposed planting;
- The **appearance** of the building will be to a high standard in terms of both design and external treatment (as detailed on plan no 2725:1), and will be consistent with the appearance of the neighbouring buildings. The roof is to be covered with grey natural slate, with red angular ridge tiles and a red brick chimney, and the walls are to be finished with a combination of white render, grey hanging slate and stone: doors and windows, of suitable alignment and vertical emphasis, are to be of PVCu construction, coloured white. The proposals will, in summary, be consistent with the character and appearance of not only the dwellings in the immediate surrounding area, but the wider area too;
- **Access** is appropriate and acceptable in respect of the location of the site, of the quality of roads leading to it and of car parking and turning arrangements. The site is adjacent to the urban area, such that it is implicit that the roads leading to it are capable of accommodating the limited volume of traffic likely to be generated by the proposal.

3.2 In terms of the guidance contained within the Cornwall Design Guide for Residential Development 1995, the proposed development will provide more than adequately for the functional needs of the occupiers of the proposed dwelling. Car parking provision for the dwelling will directly relate to the building, given that it will be provided by way of an adjoining garage.

3.3 Also in terms of the guidance contained within the Cornwall Design Guide for Residential Development 1995, and as noted on drawing no 2725:2, private amenity space of in excess of 50 square metres is to be provided to serve the proposed dwelling, with the space being well in excess of 5 metres in depth so as to be 'useable' and to

ensure satisfactory outlook from the rear of the dwelling. Reasonable privacy would be secured by the existence of trees/hedging surrounding the site.

3.4 As noted on page 13 of the Cornwall Design Guide for Residential Development 1995, indoor privacy may be secured either by distance, with a recommended eye-to-eye distance of 21 metres between dwellings situated opposite each other, or by design, to include screening. In this instance, the distance from the proposed dwelling to the nearest dwelling, Kin Mar Cottage, exceeds the recommended 21-metre distance, although, in any event, it is unlikely that the proposed dwelling would give rise to any issues of overlooking, given the amount of existing screening between the properties. However, as mentioned above, further screening can be appropriately required by condition, should the Council be of the opinion that it is not presently sufficient.

3.5 The expectations of the Cornwall Design Guide for Residential Development, in terms of external privacy, external storage, clothes drying and car parking will, thus, be fully met, such that occupiers of the proposed property will enjoy the benefits of a more than satisfactory residential environment in all respects.

4. CONCLUSION

4.1 By reference to, and assessment of, the relevant development plan policies and, in particular, national guidance contained in the NPPF, it has been amply demonstrated that it is acceptable and positively desirable, in the interests of providing sustainable development in locations well-related to urban areas, for this existing, established previously developed site to be more efficiently, effectively and suitably utilised.

4.2 The proposal will provide significant economic, social and environmental benefits, supporting the applicants business and his family: it is a genuinely sustainable development for the purposes of the NPPF.

- 4.3 For the reasons described, the 2000 appeal decision is of insufficient weight to justify the refusal of planning permission: circumstances, notably national policy and the status of the site itself, have materially changed.
- 4.4 The proposal complies in all respects with the development plan for the purposes of Section S38(6) of the Planning and Compulsory Purchase Act 2004, and with supplementary planning guidance contained in the Cornwall Design Guide for Residential Development 1995. Most particularly, in terms of the guidance contained in paragraph 14 of the NPPF, because the proposal is beneficial in social, economic and environmental terms, thereby rendering it 'sustainable', planning permission should be granted without delay.

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