

**APPENDICES TO  
REBUTTAL PROOF OF EVIDENCE  
PLANNING POLICY**

By

**Mel Clinton BA (Hons), MRTPI**

On behalf of Long Ashton Land Company

Appeal under Section 78 of the Town and Country Planning Act 1990  
in respect of:

Land to the South of Warren Lane, North Of Weston Road, Long  
Ashton

Refusal of Planning Permission:

**Application for outline planning permission for the erection of up to 35no. dwellings,  
allotments and associated access, parking, drainage infrastructure and landscaping,  
with new access off Weston Road for approval and appearance, layout, scale and  
landscaping reserved for subsequent approval**

Local Planning Authority: North Somerset

Local Planning Authority Ref: 21/P/3076/OUT

Planning Inspectorate Ref: APP/D0121/W/23/3315584

## **APPENDICES**

**Appendix 1: Core Strategy Inspectors Report**

**Appendix 2: Decision Notice and Committee Report ref: PA21/09823**

**Appendix 3: South Cambridgeshire Rural Exception Site Examples**

**Appendix 4: Letters of Interest**

## APPENDIX 1



The Planning Inspectorate

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# Report to North Somerset Council

by **Jonathan Bore MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 8 November 2016

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE SOUNDNESS OF THE  
CONSEQUENTIAL CHANGES TO POLICIES CS6, CS14, CS19, CS28, CS30, CS31,  
CS32 and CS33 OF THE NORTH SOMERSET CORE STRATEGY**

Document submitted for examination on 8 January 2016

Examination hearings held between 21 and 23 June 2016

File ref: PINS/D0121/429/10

# Glossary

|                    |  |
|--------------------|--|
| CIL                | Community Infrastructure Levy  |
| DPD                | Development Plan Document  |
| The Framework      | The National Planning Policy Framework   |
| HRA                | Habitats Regulations Assessment  |
| LDS                | Local Development Scheme   |
| LP                 | Local Plan   |
| MM                 | Main Modification  |
| NP                 | Neighbourhood Plan   |
| The Plan           | The North Somerset Core Strategy   |
| Remitted policies  | Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 of the North Somerset Core Strategy 2012 that were remitted by the Court for further consideration |
| SA                 | Sustainability Appraisal   |
| SCI                | Statement of Community Involvement   |
| SHLAA              | Strategic Housing Land Availability Assessment   |
| SHMA               | Strategic Housing Market Assessment  |
| SPD                | Supplementary Planning Document  |
| Submitted policies | Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 as revised by the Council and submitted for this Examination                                       |

## Non-Technical Summary

The North Somerset Core Strategy was originally adopted by the North Somerset Council in April 2012 with a housing requirement of a minimum of 14,000 dwellings for the District between 2006 and 2026, as set out in Policy CS13. Following a legal challenge, Policy CS13 was remitted by the Court for reconsideration. Following further examination, the housing requirement was raised to a minimum of 20,985 dwellings. Policy CS13 has now been adopted with that housing requirement.

At the same time as remitting Policy CS13, the Court remitted a number of other policies for further consideration on the basis that any change to Policy CS13 could have consequential changes for those policies. They are Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.

The Council has proposed modifications to those policies and they – the “submitted policies” – are the subject of this report. They include changes to reflect the increased housing numbers, but are otherwise largely unchanged from the remitted policies.

The Council has specifically requested me to recommend any modifications necessary to make the policies sound and enable them to be adopted. These modifications were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues. This report concludes that, provided that the Main Modifications are made, the submitted policies will be sound and will provide an appropriate basis for the planning of the District.

The Main Modifications are explained in the body of this report and are set out in the Appendix. They can be summarised as:

- **MM01 – Policy CS14: Distribution of New Housing.** The minimum housing requirements are adjusted and rounded off, restrictive wording is removed, and an explanation is provided of the purpose of settlement boundaries and the circumstances in which development may be acceptable outside them.
- **MM02 – Policy CS28: Weston-super-Mare.** The housing requirement is adjusted and rounded off and expressed as a minimum, allowance is made for unallocated housing schemes of up to about 75 dwellings outside but adjoining the settlement boundary, and objectives are set for the town, to which development should have regard.
- **MM03 – Policy CS30: Weston Villages.** The reference to strategic gaps between the Weston Villages and Hutton and Locking is deleted, since any such gaps and their boundaries are to be defined in the Sites and Policies DPD, but a reference to green corridors is added.
- **MM04 – Policy CS31: Clevedon, Nailsea and Portishead.** The housing requirement is altered and rounded, restrictive wording is removed and the facility is provided to allow unallocated development outside but adjoining the settlement boundary of up to around 50 dwellings.
- **MM05 – Policy CS32: Service villages.** The modification allows for new development within the settlement boundary, and allows for unallocated sites to come forward adjoining the settlement boundary up to about 25

dwellings. The unduly restrictive criteria in the submitted policy are deleted and a clearer, bulleted set is introduced to help guide development.

- **MM06 – Policy CS33: Infill villages, smaller settlements and countryside.** The specific size restrictions and the references to community-led schemes and community and environmental benefits are removed.

Finally, a word of clarification. In this report, the term '*remitted policies*' is used to mean the versions of Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 of the North Somerset Core Strategy 2012 that were remitted by the Court for further consideration; the term '*submitted policies*' is used to mean the versions of those Policies as revised by the Council and submitted to this Examination, which are the subject of this report. '*Main Modifications*' are the changes needed to make the submitted policies sound. This is also explained in the Glossary.

## Introduction

1. This report contains my assessment of the following submitted policies of the North Somerset Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended): Policy CS6: North Somerset's Green Belt; Policy CS14: Distribution of New Housing; Policy CS19: Strategic Gaps; Policy CS28: Weston-super-Mare; Policy CS30: Weston Villages; Policy CS31: Clevedon, Nailsea and Portishead; Policy CS32: Service villages; and Policy CS33: Infill villages, smaller settlements and countryside. The report considers whether these policies are sound, having particular regard to the overall Core Strategy and its adopted housing requirement, and to the National Planning Policy Framework; and whether the policies are compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The North Somerset Core Strategy was submitted for Examination in July 2011 and was adopted by the Council in April 2012. However, the adoption of the Core Strategy was challenged and the Court judged that Policy CS13, which set out the housing requirement, should be remitted to an earlier stage of the plan preparation process. The Court also remitted the policies which are now the subject of this report; these were confirmed as lawful, but it was considered that the re-examination of Policy CS13 could result in consequential alterations to them.
3. Following a further Examination into Policy CS13, a modification was made to that policy raising the housing requirement to a minimum of 20,985 homes (or 1,049 dwellings per annum). The Inspector at the time recognised the limitations of the evidence base but found Policy CS13, as modified, sound subject to there being a review in the short term based on an up-to-date full objectively assessed need for housing. Paragraph 3.190 of the Core Strategy contains a commitment to review Policy CS13 by the production of a joint development plan by the West of England authorities with adoption by the end of 2018. Policy CS13 was adopted following the Secretary of State's letter to the Council of 18 September 2015. Its housing requirement has the full weight of an adopted development plan policy.
4. Submitted Policies CS14, CS28, CS30 and CS31 contain the Council's proposed modifications to seek to accommodate the new housing requirement contained in Policy CS13, but otherwise their wording has not much changed from the remitted versions. These submitted policies are the subject of this report.
5. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a set of sound policies.
6. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the submitted policies unsound or not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix and are discussed in this report.
7. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions,



the Council prepared a schedule of proposed Main Modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

8. The 'Duty to Cooperate' does not apply to this Core Strategy, or to the policies which are the subject of this report, because the Plan was formally submitted before the relevant date set by legislation. Paragraph 25 of the Inspector's report on the Examination into Policy CS13 (Document CC/04) explains this in more detail. The matter was not disputed during the course of this Examination and it is not necessary to go further into the subject here.

## **Assessment of Soundness**

### **Main Issues**

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, the main issues are as follows.
  - Soundness of process: whether the submitted policies have been prepared in accordance with a sound process; in particular, whether an appropriate approach was taken to sustainability appraisal and whether alternative strategies should have been investigated for the distribution of development
  - Soundness of content: whether the submitted policies are capable of delivering the housing requirement established in Policy CS13 of the adopted Core Strategy whilst remaining consistent with the Core Strategy's other policies, its overall strategy and with the National Planning Policy Framework.

### **Soundness of process**

10. The Sustainability Appraisal which was prepared for the originally submitted Core Strategy (Document SD/07) assessed a range of housing delivery options in relation to Policy CS13 including a Regional Strategy (RS)-derived figure much higher than that now adopted in Policy CS13. It also assessed approaches towards the spatial strategy set out in Policy CS14. The original policies which contained the spatial strategy were therefore formulated through a process that included sustainability appraisal. The SA process was not found defective by the Inspector at that time. A further supplementary SA was produced during the formulation of modified Policy CS13 (Document RED/09) and that policy was found sound by the Inspector who examined it. During the course of the current Examination the Council prepared a Sustainability Appraisal Supplementary Report (Document CC/28). The consultation period for this document closed during the hearings.
11. The submitted policies with their increased housing requirement have not altered the essence of the spatial strategy of the originally submitted Core Strategy (see Paragraph 34) which was subject to adequate SA during the course of the plan's preparation. The spatial strategy remains in accordance with the Core Strategy's Priority Objectives and the National Planning Policy Framework. The Supplementary Appraisal Sustainability Report (CC/28)

highlights some potential effects arising from the increase in the housing numbers, notably the greater challenge to the objective towards greater self-containment at Weston-super-Mare and Nailsea, traffic movements, loss of agricultural land and tensions between the definition of settlement boundaries and the greater need for peripheral development to meet housing requirements. However, these identified effects fall far short of indicating that the spatial strategy embodied in the remitted policies would no longer be sound, effective, or consistent with the remainder of the plan.

12. Therefore SA had already been carried out in relation to the original Core Strategy and was still valid. National Planning Practice Guidance advises that modifications to the SA should be considered only where appropriate and proportionate to the level of change being made to the Local Plan. A change is likely to be significant if it substantially alters the Plan and/or is likely to give rise to significant effects. In this case the change has not significantly altered the plan spatially and the Council's response has been proportionate. It can be concluded that both in terms of numbers and distribution the spatial strategy and settlement hierarchy represented by the submitted policies have been properly evaluated through the process of SA.
13. The Sustainability Appraisal Supplementary Report rightly came to the conclusion that there was no reasonable alternative to the approach taken by the submitted policies. The Core Strategy is already half way through its plan period of 2006 to 2026 and a significant proportion of the housing requirement is already committed through the grant of planning permissions. The plan's strategy as established by the remitted policies has been followed by the Council for a number of years and it is worth recalling that those policies were not found unsound by the Court; they were considered perfectly lawful. It is neither reasonable nor realistic to think that, at this advanced stage in the life of the plan, alternatives might be devised to take the settlement strategy in a different direction. The additional housing provision required to reach the requirement is a small proportion of the total so any alternative strategy could only have an effect at the margin.
14. To conclude, the Council's approach to the preparation of the submitted policies has been sound. It was neither necessary nor appropriate to go through an exercise of evaluating reasonable alternatives at this stage.

## **Soundness of content**

### ***Housing provision***

15. To be sound, the submitted policies must be capable of delivering the housing requirement set out in Policy CS13 of a minimum of 20,985 dwellings from 2006 to 2026. The policies must also play their part in helping to maintain a 5 year supply of housing land in the district. The purpose of considering housing supply in this Examination is to make sure that these aims can be achieved through the submitted policies. This report does not look in detail at sites, or go into detail on site availability, because that is the job of the forthcoming Site Allocations Plan. Rather, it looks at the broad issues concerning the achievement of the overall requirement and considers whether the policies are fit to deliver it.

16. The Council states that the residual requirement – that is, the number of additional dwellings that need to be made provision for as a result of the increase in the housing requirement to 20,985, taking into account completions and commitments – was 1,715 dwellings using figures at the base date of April 2015. It adds that sufficient sites will be proposed as allocations in the forthcoming Site Allocations Plan to deliver that residual requirement. However, there are a number of factors that put the strategy at risk.
17. The distribution of development is weighted heavily towards Weston-super-Mare and Weston Villages. Submitted Policies CS14 and CS28 increase the minimum requirement by some 3,000 dwellings in comparison with the remitted policies, so delivery here is critical to the success of the spatial strategy and the delivery of the overall requirement. The emphasis in Weston-super-Mare is on regeneration. With the Council owning key sites and the Homes and Communities Agency involved, the probability is that the bulk of the overall housing requirement can be delivered within the plan period. But some of the sites in Weston-super-Mare will be complicated to develop, with demolition, piling and remediation involved in certain cases. There is potential for slippage, as is often the case with complicated urban sites.
18. Weston Villages also account for a substantial part of the District's housing requirement, with submitted Policies CS14 and CS30 now allocating 1,000 more dwellings to these locations compared with the remitted policies. The development trajectory is set out in Chart 3 of Document CC-CS/2 and in Document CC/24. The anticipated build rate grows rapidly in 2017-18 and continues at a high level throughout the remainder of the plan period. But there are risks to delivery at the anticipated rates from three potential factors. Firstly, there is the employment-led approach set out in Policy CS20 of 1.5 jobs per dwelling. The Council is taking various pragmatic measures such as flexibility over employment uses and contributions towards floorspace delivery to bring forward both housing and employment, as is evident from the Weston Villages SPD and other documentation and, at present, there is no strong evidence to show that the former is being held back by the latter. But the Council have accepted a lower target in the early stages with the anticipation that, to deliver the overall employment target of 1.5 jobs per dwelling, job provision will ratchet up later. It will be a challenge to raise employment provision to the planned level. Secondly, projects of this size inevitably encounter practical obstacles to implementation. Significant progress has been made towards infrastructure provision (as recorded in CC/27 of April 2016) but there is a lot more to do. Thirdly, build rates can vary according to the prevailing economic climate. Just a modest slippage in delivery against the indicated trajectory would diminish the contribution of this source towards the total requirement.
19. There is also uncertainty over planning permission lapse rates. The Council has applied a lapse rate of 9% to small site permissions which reflects the average lapse rate for the three years up to 2011, a figure derived from research for the 2011 Strategic Housing Land Availability Assessment. It has not applied a lapse rate to larger sites because it says the average lapse rate between 2006 and 2011 was 0.73% of the total dwelling stock. But some objectors argue that the lapse rate is higher – based on their calculations, around 2% on large sites and 24% based on historic rates on small sites. In reality neither

approach is especially reliable because the data from both calculations is derived from a short period which included both economic growth and recession and may not be indicative of future lapse rates, which could increase or decrease in response to economic prospects. The information supplied by the parties reinforces rather than dispels the uncertainty around this matter. There is a possibility that higher lapse rates than allowed for by the Council could occur in the next few years with a negative effect on housing supply if adequate flexibility is not built into the policies.

20. In addition, the Council factors in a number of old allocations that have not come forward for development; it says that these will be included as allocations in the Site Allocations Plan. There are 372 units on 9 sites that previously were allocated for development in the North Somerset Replacement Local Plan (2007). In the Examination the Council indicated that 8 of these sites were still considered suitable, totalling 332 units. The fact that proposals have not come forward suggests in certain cases either unwillingness to develop or impediments to development. Some sites now have development interest but others have active uses and there is no certainty that all these sites will come forward.
21. The Council also relies on draft allocations in the consultation draft of the Sites and Policies Plan, which includes sites in Weston-super-Mare and one site in north-west Nailsea. The expected contribution from these sites is substantial but, as with other old allocations there is potential for slippage. Moreover, some caution needs to be exercised regarding delivery from sites identified in the draft Site Allocations Plan, which at the time of writing is at an early stage in the process towards adoption.
22. The conclusion to be drawn from the foregoing is that, whilst there is no reason to anticipate the failure of the strategy, there is potential for slippage and under-delivery. The Council has been optimistic in its approach to the residual requirement that needs to be provided for through the Site Allocations Plan. The wording of the submitted policies is in many cases too restrictive to provide the flexibility necessary to ensure the delivery of sufficient homes.
23. The 5 year housing land supply was not interrogated in detail during the Examination, as this is not an Examination into a complete plan but concerns the spatial distribution of a previously-adopted housing requirement. However, the submitted policies should be capable of supporting the maintenance of a 5 year supply of deliverable land and there will be something of a gap before the Site Allocations Plan is adopted. I was specifically asked by Examination participants to give a view on the methodology for calculating the 5 year supply in the light of evidence before the Examination to assist the Council in the next stage of its work on the Site Allocations Plan. I did so, but the following comments come with a major qualification: the 5 year housing land supply position can change quite quickly and it is important that the Council keeps under continuous review all the information on the subject.
24. I reached the conclusion by the last day of the hearings that the appropriate methodology was the Sedgfield approach to the shortfall plus a buffer of 5% brought forward from later in the plan period. This was communicated to the Council and the parties then present, and was my view at the time based on

the evidence.

25. Regarding the Sedgefield approach, the plan period is already at its halfway point and the Weston Villages are shortly expected to make a significant contribution to housing supply. It is important that the under-supply that has arisen as a result of the increase in the housing requirement through modified Policy CS13 is remedied as soon as is practicable. The Sedgefield methodology, which corrects the accumulated backlog within the first 5 years, is therefore the appropriate approach.
26. As regards the buffer, I came to the conclusion (having regard to *Cotswold District Council v Secretary of State for Communities and Local Government and Fay and Son and Hannick Homes and Development Limited* [2013] EWHC 3719 (Admin), and to the Planning Practice Guidance) that there is no record of persistent under-delivery in the District over the whole economic cycle. The Council's record of delivery (Document CC-CS/2, Chart 5) was acceptable during the period from 2000 until the recession beginning in 2008. The Joint Replacement Structure Plan required delivery of 14,900 dwellings, equating to 993 per annum. This was in fact almost the same as the number delivered. The number of homes delivered dropped significantly from 2008/9 and since then it has been well below the revised Core Strategy requirement of 1,049 dwellings per annum, but until quite recently the housing market and the wider economy were in severe recession. Moreover, the Council believed for much of this time that it was seeking to deliver against a lower target. Having regard to all the evidence over the economic cycle, I considered that there was no record of *persistent* under-delivery and a buffer of 5% is appropriate.
27. At April 2016, on the Council's calculation, there was a 5.12 year supply of deliverable housing land in the District based on a 5% buffer and the Sedgefield methodology. This was not tested at Examination but it is clear that there is a very small comfort margin and the 5 year supply could easily be jeopardised by adverse combinations of circumstances described above. For example, slippage at Weston Villages in the early stages would diminish the contribution of these sites to the 5 year supply of deliverable land, since the sites are expected to deliver 3,061 dwellings from April 2016 to April 2021 (CC-CS/2 Chart 4). Obviously it will be important for enough land to be allocated in the Site Allocations Plan (submitted in draft as Document CC/10). The difficulty is that there is an acknowledged shortfall in housing provision which needs to be addressed over the next 5 years and the Site Allocations Plan is some way from adoption. Moreover, it cannot be expected to identify or cover all the sites coming forward.
28. Although the submitted policies which are the subject of this report have been changed to take into account the increased housing requirement, their wording is otherwise largely unchanged and this is the main factor that makes them unsound in the circumstances. Policies relating to development in settlements are couched in restrictive terms and there is insistence on development within settlement boundaries, which the Council has indicated will not (on the whole) be changed within the life of the plan. This would make it very difficult in practice to meet the raised housing requirement. It is necessary therefore to introduce some additional flexibility into the submitted policies. This must be enough to give the plan greater resilience and ensure that the housing

requirement is met and a 5 year housing land supply is maintained, without substantially altering the nature of the spatial strategy embodied in the policies.

29. This will involve being more positive about sustainable development at each of the settlements, with less restrictive and more positive wording. It will also involve accepting a certain amount of development of an appropriate scale outside, but adjoining, the settlement boundaries which can come forward not only from plan-led site allocations but also through planning applications for sustainable housing development on unallocated sites. This is what in effect the Council is putting forward through its MMs. While this may be a challenging prospect for some, it will enable the local planning authority to maintain influence over the location of new housing development. If such flexibility is not built in to the plan, the outcome, less attractive from the Council's perspective, will be a series of appeal decisions based around housing land supply arguments, with a consequent loss of local planning authority control.
30. This report will now go on to look at the individual policies.

***Policy CS6: North Somerset's Green Belt***

31. The submitted policy is unchanged from the remitted version. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. This is not the preparation of a whole Local Plan, nor is it a review of the Local Plan; it is the resubmission of a small number of policies and it is clear that, subject to Main Modifications, the increased housing requirement of this plan can be satisfactorily accommodated through the submitted policies without requiring a review of the Green Belt. There are no exceptional circumstances to justify a Green Belt review in this context. For the future, it is intended to carry out a review of the Green Belt across the West of England as part of the process of producing the Joint Spatial Plan.
32. The policy states that the Green Belt boundaries will be unchanged during the plan period. That will not preclude any subsequent plan from reviewing those boundaries. Any subsequent local plan review, taken through the appropriate route to adoption, is capable of superseding the current plan and all the wording within it.

***Policy CS14: Distribution of New Housing***

33. The remitted policy contained the numbers of dwellings allocated to the various categories of settlement in the settlement hierarchy under the former Policy CS13 housing requirement of a minimum of 14,000. The submitted policy changes the number to reflect the change to 20,985 dwellings in adopted Policy CS13. **MM01** rounds those figures up or down to reflect the latest assessments of developable land and planning permissions, as shown in the following table. It does not reflect a change in the approach to the spatial strategy, nor does it alter the approach that would be taken to sustainable sites at settlements within the hierarchy.

| Area                              | Net additional dwellings<br>Original Core Strategy Policy CS14 | Net additional dwellings<br>Submitted Policy CS14 | Net additional dwellings<br><b>As per modification MM01</b> |
|-----------------------------------|--|---|---|
| Weston urban area                 | 3,458  | 6,459   | 6,300   |
| Weston Villages                   | 5,500  | 6,500   | 6,500   |
| Clevedon, Nailsea and Portishead  | 3,715  | 4,976   | 5,100   |
| Service Villages                  | 805  | 1,861   | 2,100   |
| Other settlements and countryside | 522  | 1,189   | 985   |
| Total                             | 14,000   | 20,985  | 20,985  |

34. Despite the increase in the housing requirement, neither the submitted policies nor the main modifications have changed the spatial strategy. The increased housing requirement has been distributed among the towns and villages in such a way as to reflect and support the previously-identified hierarchy and support the Priority Objectives, notably concentration at Weston-super-Mare, enhancements and regeneration in North Somerset's towns and support for the existing Green Belt. Weston-super-Mare and Weston Villages continue to take the largest number of dwellings, which is right because this approach reflects the need to create more sustainable settlements in locations well served by a range of facilities and with a good choice of transport. A substantial increase in the number of dwellings is also allocated to the second tier settlements, with more of the growth arising from the revision to Policy CS13 going to Nailsea because it has fewer constraints than Clevedon and Portishead. Increases have also been allocated to Service Villages, but these villages are still allocated a considerably smaller proportion of the overall total. Again, this is right, because they are notably smaller with lower order facilities.
35. However, as discussed in Paragraph 28 above, the wording of the submitted policy is not sound because it would be an impediment to the achievement of the housing requirement. It refers to most development outside Weston taking place *in* Clevedon, Nailsea and Portishead, and smaller scale development *in* service villages, within settlement boundaries or through site allocations. This highlights the tension between the need to increase housing supply to meet the requirement and the restrictions imposed by the settlement boundaries. The policy would especially work against sustainable smaller sites coming forward adjacent to the settlement boundary. **MM01** achieves greater flexibility in housing supply by removing some of the restrictive wording. It refers to development of a suitable scale taking place *at* these settlements.

36. MM01 also contains a useful explanation of the purpose of settlement boundaries and allows for development on unallocated sites outside but abutting settlement boundaries in particular categories of settlement subject to certain size limitations.
37. The provision contained within MM01 regarding development outside settlement boundaries is essential to ensure that the appropriate amount of housing is delivered. Moreover, the approximate limits to such developments contained within **MM02** (policy CS28: Weston super Mare), **MM04** (Policy CS31: Clevedon, Nailsea and Portishead) and **MM05** (Policy CS32: Service Villages) of about 75, 50 and 25 dwellings respectively are justified. It is true that some schemes in excess of these figures have in the past been granted permission on sites in Yatton and elsewhere, but the Council is perfectly within its rights, in the interests of the proper planning of the area, to put a figure on the maximum size for individual developments on unallocated sites that it considers compatible with the settlement hierarchy and spatial strategy. The policy wording will enable additional housing land to be brought forward on smaller sites immediately adjacent to settlements, which will improve the flexibility of the plan and reduce the risk of housing under-supply whilst remaining consistent with the spatial strategy. The word "abutting" is appropriate because it is normally in the interests of good planning and design to ensure that new development adjoins and integrates with the settlement and does not intrude excessively into open countryside.
38. The size limitations have the advantage of providing greater certainty, and they are approximate so can be flexed in accordance with local circumstances. Larger unallocated developments would present a significant risk to the spatial strategy. It is entirely appropriate in accordance with the plan-led system that larger sites should be brought forward in local plan or neighbourhood plan allocations.
39. The categorisation of service and infill villages has been the subject of analysis by the Council in "Assessing the Sustainability and Settlement Hierarchy of Rural Settlements in North Somerset" (Doc CC/15) and the hierarchy is set out in Vision 6 and Vision 7 of the Plan. Settlements vary widely, the identification of a settlement hierarchy inevitably raises issues of consistency, and studies such as CC/15 are often criticised for reductionist analysis. Nonetheless, CC/15 does contain a substantial amount of survey data and it is clear from evidence and on the ground that the classification is a reasonable reflection of the size and range of services of the various settlements.
40. Yatton is served by rail, it is a large service village, and a substantial amount of housing development is under way. On the other hand it is clear from any inspection that Yatton is substantially smaller and of a lower order in terms of services than Clevedon, Portishead and Nailsea, which are small towns. It is appropriately categorised. Policy CS32 as modified by MM05 allows for development on unallocated sites adjoining but beyond the settlement boundary of up to 25 dwellings and larger sites may be allocated as appropriate so the categorisation of Yatton as a Service Village does not prevent sustainable development from coming forward on suitable sites. The reasons for this modification are set out in paragraphs 67 to 70 of this report.
41. Sandford is not included as a Service Village primarily on access to key



services within the village: neighbouring Winscombe has a wider range. The Council's evidence base is not defective, and the categorisation is not unreasonable. Whilst arguments can be made that the wider group of villages in the locality together contain a broader range of facilities, the fact is that neither the re-categorisation of Sandford as a Service Village, nor the relaxation of Policy CS33 to allow more development there, are required to make the policy sound.

42. The policy states that priority will be given to the re-use of previously-developed land. This does not represent a sequential approach; it is in step with the Framework, which indicates that planning policies should encourage the re-use of such land. As regards the remainder of this part of the policy, it is not necessary to require compliance with other policies of the plan, because the plan is read as a whole, but the inclusion of this sentence does not make the policy unsound. It is not necessary for the policy to require contributions towards rail infrastructure or to include additional wording in respect of drainage; delivery policy is set out in Core Strategy Policy CS34.
43. The projected housing trajectory which was included at paragraph 3.197 of the reasoned justification has apparently been omitted from the modified version. Whilst it is not a matter of soundness to include such a table, it would be a useful addition to the plan.
44. The policy as proposed to be modified would provide an appropriate degree of flexibility to enable the housing requirements of the plan to be met within an appropriate settlement hierarchy. MM01 is required to make the policy sound.

#### ***Policy CS19: Strategic Gaps***

45. It is not proposed to change this policy from the remitted version. The plan does not set the boundaries of strategic gaps; that is the job of the subsequent Sites and Policies DPD. The reference in Policy CS30 to strategic gaps between Weston Villages and Hutton and Locking is dealt with under that policy (see paragraph 52). There is no need to revisit Policy CS19 to accommodate the housing requirement of the Plan.

#### ***Policy CS28: Weston-super-Mare***

46. The submitted policy increases the overall number of homes for Weston-super-Mare and Weston Villages together to 10,914. However, Policy CS28 does not reflect the concept of a minimum housing requirement as set out in Policy CS14 and it talks about focusing new development *in* the town. This does not recognise the reality that much of the growth will be at Weston Villages outside the current urban area and that other sustainable sites could come forward to help meet the substantially increased housing requirement. Moreover, the policy requires development to meet a set of wide ranging criteria which, self-evidently, not every development can meet, particularly during a period of substantial housing expansion. These are unnecessarily restrictive. The policy as submitted is therefore not sound.
47. **MM02** raises the overall number of homes in Weston-super-Mare including Weston Villages to 12,800. The evidence indicates that the town and its extensions are capable of accommodating this increased housing requirement,

subject to the concerns expressed in Paragraphs 28 and 29 which point to the need for greater flexibility in the Plan. In this regard, MM02 expresses the housing figure as a minimum, refers to development at rather than in the town, and sets out objectives for the town to which development should have regard, rather than a set of requirements for every development. It also allows for housing sites adjoining the settlement boundary but indicates that those in excess of about 75 dwellings must be brought forward as allocations. These changes make the policy more realistic and flexible.

48. The appropriateness of the limitation in MM02 of about 75 dwellings imposed on unallocated sites outside the settlement boundary is discussed in Paragraph 37 above. The limit will allow modest developments to come forward to assist in meeting the housing requirements. It does not put a brake on larger schemes but recognises that, in a plan-led system, it is appropriate for such sites to be brought forward as allocations. It would ensure that the larger sites had the benefit of full assessment and public involvement through the plan-making process. The Council says it has selected the figure on the basis that it is appropriate in relation to the size of the settlement. The approach provides an appropriate balance between encouraging growth and maintaining the role of the plan-led system. Those landowners or developers who have larger sites have a clear route for taking them forward (if they are appropriate) in future local plan documents.
49. There is nothing unsound in the Council resisting strategic development east of the M5 as part of its spatial plan for the area.
50. MM02 is required to make the policy sound.

### ***Policy CS30: Weston Villages***

51. The submitted policy indicates that about 6,500 new homes will be accommodated at Weston Villages, an increase from the 5,500 homes referred to in the remitted policy. The Council has demonstrated the ability of the site to accommodate this scale of development. This is a policy in which the Council does not wish to set the requirement as a "minimum", preferring the word "about". In the context of large strategic allocations of a finite nature, defined by masterplans, this is reasonable.
52. The submitted policy makes it a requirement of the Weston Villages development to have strategic gaps between the Weston Villages and Hutton and Locking to protect their character and identity. The Council also proposes a modification to add a reference to green corridors. It is entirely sound for the Council, in the interests of the proper planning of the Weston Villages developments, to seek the provision of green corridors as part of the overall masterplan to contain the spread of the development and provide visual relief and green infrastructure within reach of the new residents. The actual extent of the green corridors has been identified in the Weston Villages SPD Masterplan. The picture is different as regards strategic gaps. According to Policy CS19, these will be identified through the Sites and Policies Development Plan Document, so the reference to the gaps in Policy CS30 should be deleted, but the explanatory text may refer to the intention to define such gaps in the forthcoming Sites and Policies DPD. **MM03** incorporates these changes.

53. It is not the role of this report to judge whether extensions to Weston Villages outside the masterplan development area are appropriate; that is a matter that should be raised with the Council in respect of the Site Allocations Plan or any future plan review but it is not necessary to change either Policy CS30 or indeed Policy CS33 below to facilitate it or to make the policies sound.
54. Whilst the Council has demonstrated a flexible approach towards employment provision in relation to its requirement for 1.5 jobs per dwelling, it is reasonable to continue to require 37.7 ha of B class employment land within the allocated employment sites rather than simply employment land, which might include a range of uses other than business.
55. It is reasonable to include a reference to a Junction 21 relief road or alternative given the scale of the development, even if the precise details are not known at this stage; this is included in the Joint Local Transport Plan (2011).
56. It is not necessary to include additional policy wording to protect the motte and bailey adjacent to Locking Head Farm, which is a scheduled monument, or the Grade II listed Locking Farmhouse, because Policy CS5 protects heritage assets and there is no need to repeat the requirement in individual policies.
57. The Council should give consideration to updating the reasoned justification to this policy, notably by ensuring consistency of approach with the policy and by deleting the references to RPG10. This is not however a main modification.
58. MM03 is required to make the policy sound.

***Policy CS31: Clevedon, Nailsea and Portishead***

59. Remitted Policy CS31 indicates that provision will be made for 454 houses at Clevedon, 210 at Nailsea and 3,051 at Portishead. This is changed by the submitted policy to 812, 917 and 3,247 respectively. The changes in respect of Clevedon and Portishead largely reflect existing commitments so the largest change is at Nailsea.
60. Unfortunately the policy wording does not reflect the way that the District's overall housing requirement in CS13 is expressed as a minimum. Moreover the wording of the submitted policy is too restrictive. It allows for development "within the settlement boundaries" at Clevedon, Nailsea and Portishead, and it allows for mixed use schemes adjacent to the boundary in Nailsea where it meets identified local needs, is supported by the community and changes to the settlement boundary have been addressed in a separate DPD. There are further caveats: development (even within the boundary) should increase self-containment, ensure the availability of jobs for the town and catchment and improve the town's role as a service centre. There are other difficulties with the policy wording. It is not clear what is meant by community support; it is generally acknowledged that housing development, even where sustainable, does not necessarily attract local support. Similarly there is a lack of clarity about what constitutes local need and the position regarding wider market need. It is unlikely that all developments would be able to meet the requirements of Policy CS31; instead, these requirements would be likely to act as a brake on housing development contrary to the Framework's objective

of boosting the supply of housing.

61. Given the considerable increase in the housing requirement allocated to these towns and the need for greater flexibility discussed in this report, the policy needs to avoid setting so many hurdles that are not only difficult to achieve but are capable of misinterpretation, and it needs to allow the opportunity for sustainable housing development of an appropriate size to come forward outside the settlement boundaries. Nailsea Town Council and some others point out the need to provide a better range of homes in the town to encourage a more balanced community to develop. This is an important objective but its achievement is likely to be impeded by the policy wording as submitted.
62. **MM04** updates the housing requirements with a proposed 700 homes at Clevedon, 1,100 at Nailsea and 3,300 at Portishead, and indicates that it is a minimum delivery figure. It allows for housing development within and adjoining the settlement boundaries subject to a number of relevant considerations including design, scale and infrastructure. The local support requirement is omitted and the issue of local housing need is changed to require a broad range of housing types to meet all requirements. Residential proposals in excess of about 50 dwellings outside the settlement boundary should be brought forward as allocations. These limits are discussed in Paragraph 37 but the amount indicated is reasonable, proportionate to the size of the settlements and their infrastructure, and important as a means of ensuring that the spatial strategy is not jeopardised by large schemes brought forward outside the plan-led process. The supporting text needs to be brought into line with the policy by making it clear that the 50 dwelling limit applies to development beyond, not inside, the settlement boundary. This change is included within MM04. The reference to “development of an appropriate scale” relates to design rather than size of development, and is acceptable. The words “enhance overall sustainability” are perhaps superfluous given the approach in the Framework and the Council should either consider omitting them or adding some explanation in the reasoned justification, but they do not make the policy unsound.
63. MM04 also removes the indicative number of jobs from the policy, instead indicating that employment uses should be appropriate in scale to the role and function of the town in accordance with Core Strategy CS20, with support for the regeneration of previously developed land.
64. Nailsea might or might not have a greater capacity than 1,100 dwellings but the figure is expressed as a minimum so the flexibility exists to bring forward other sustainable proposals. The policy as modified does not preclude sites coming forward through the plan process or smaller sites abutting the settlement boundary being brought forward as planning applications.
65. It is not appropriate to review the extent of Green Belt around Nailsea as part of the work on the submitted policies since those policies (subject to the MMs) deliver a sound spatial strategy and are likely to meet the development needs of the District. The exceptional circumstances do not exist for a review in this context. The opportunity will exist to review the Green Belt through a future plan review.

66. MM04 is required to make the policy sound.

***Policy CS32: Service Villages***

67. The submitted policy allows for small scale development appropriate to the size and character of the village, and allows residential development within settlement boundaries. Development providing local benefits and supported by the local community that cannot be accommodated within settlement boundaries must be brought forward as an allocation.
68. Given that modified Policy CS14 increases the housing requirement in service villages from 805 to a minimum of 1,861, and that there are questions over the ability of the existing commitments within the District to deliver both the overall and the 5 year requirement, this very restrictive approach is unsound because it would act as an impediment to the achievement of the housing requirement. Moreover, there are other difficulties with the submitted policy. It would not be appropriate, and would be potentially unlawful, to seek undefined "local benefits"; the term is imprecise and if these did not relate fairly to the development they would not meet the legal tests in the CIL Regulations. Comments regarding community support are as discussed in Paragraph 60 above. It is evident that, as it stands, this is a policy which would generally restrict housing development to a few small sites within the settlements. Additional flexibility is required in order to bring forward housing land to meet the requirement.
69. Neither significant restrictions on housing development, nor substantial amounts of additional housing, represent a sound or balanced approach towards settlements which contain a range of services and facilities but which are, in essence, still villages. Service villages are quite capable of handling, without harm, a range of smaller schemes within or adjoining their settlement boundaries, designed in keeping with their surroundings. There will be opportunities to make a contribution to the overall housing requirement whilst meeting some local needs and helping to support local facilities. There is no reason why development of a relatively modest scale adjoining settlement boundaries should threaten the character of the villages. However, larger-scale schemes, or substantial cumulative growth, would be more likely to alter the character of the villages, place undue burdens on infrastructure and the road network, and threaten the spatial strategy; it is not without reason that these concerns have been raised by a number of communities.
70. **MM05** strikes the right balance by supporting new development within or adjoining the settlement boundaries, whilst ensuring that the form, design and scale of development respects the local character and reinforces local distinctiveness, has regard to housing requirements and does not have significant adverse impacts on infrastructure. It also aims to limit cumulative impacts and indicates that sites in excess of about 25 dwellings outside the settlement boundaries must be brought forward as allocations. This is neither too restrictive nor too liberal; it is a sound modification that allows the service villages to contribute more to the overall requirement whilst avoiding development of an excessive scale with the negative impacts described above. MM05 is required to make the policy sound.

***Policy CS33: Infill villages, smaller settlements and countryside***

71. Submitted Policy CS33 allows for development within the infill villages of one or two dwellings as infill, or small-scale community-led residential redevelopment with environmental and community benefits. It also allows for affordable housing and small scale sympathetic employment development.
72. It is reasonable for the policy to take a more tightly controlled approach towards infill villages; they are less well served by community and transport infrastructure and their small size means that larger scale residential development is much more likely to be out of character and more likely to erode their identity, as well as harming the spatial strategy. For these reasons, and given the important relationship between the settlements and the surrounding countryside, the requirement for development to be confined within settlement boundaries is sound in respect of infill villages.
73. However, as with some other policies, Policy CS33 is unnecessarily restrictive towards development within such villages and likely to create unnecessary impediments to sustainable development. The villages take different forms and there will be many sustainable development and redevelopment opportunities which do not fit into the category of infill comprising one or two dwellings. These can be brought forward by the market and do not need to be community-led, which in any case is not a clearly defined term. In addition, it is unclear what the requirement for environmental and community “benefits” would entail in practice and demands for such benefits could be in conflict with the legal requirements of the CIL regulations if they were unnecessary for the development to go ahead.
74. The policy requires additional flexibility and clarity to enable sustainable development to be brought forward. Such development should support the villages and contribute to meeting local and wider housing needs without harming the character of the villages, the countryside and the spatial strategy. **MM06** achieves this. It requires new housing development (not “redevelopment” as in the published modification, which was a typographical error) to respect the scale and character of infill villages, have regard to local needs, and avoid significant adverse impacts on services and infrastructure, but it removes the specific size restrictions and the references to community-led schemes, and community and environmental benefits. Unlike MMs 02, 04 and 05 it does not allow for residential development beyond settlement boundaries other than rural exception sites for affordable housing and, in certain circumstances, community facilities, but for the reasons given in Paragraph 72 this is a sound approach. The requirement for size, type, tenure and range of housing to “have regard to” local needs is acceptable; it would be difficult for the Plan to define them since they can vary over time but it is perfectly reasonable to expect developers to discuss the mix with the Council when formulating proposals.
75. In respect of smaller settlements and the countryside, the text is clarified but is basically unchanged in meaning from earlier versions. It allows for replacement dwellings, residential conversions and subdivisions and dwellings for essential rural workers. This is acceptable as a means of conserving the character of the countryside. The Plan must be read as a whole and the policies, as proposed to be modified, allow for development opportunities up to

a certain size adjoining the settlement boundaries of Weston-super-Mare, Clevedon, Portishead and Nailsea, and the service villages; and they also allow for local plan and neighbourhood plan allocations to be made beyond settlement boundaries above these limits.

76. Policy CS33 is consistent with the Framework as regards affordable housing in the Green Belt. Paragraph 89 of the Framework says that the construction of new buildings is inappropriate in the Green Belt, but exceptions to this include limited affordable housing for local community needs under policies set out in the local plan. Hence such development can be an exception in the Green Belt if local plan policies allow for it. Policy CS33 chooses not to allow for it but adequate provision is made for affordable housing within settlement boundaries and on rural exception sites. This is an acceptable and sound approach.
77. MM06 is required to make the Plan sound.

### **Consistency with the National Planning Policy Framework**

78. Submitted policies CS14, CS28, CS30, CS31, CS32 and CS33 are not consistent with the Framework. Their restrictive wording indicates that they are not positively prepared, and they are likely to hinder the Framework objective of delivering the housing requirement and boosting significantly the supply of housing. The main modifications ensure that they are framed in a more positive manner and provide the policies with enough flexibility to help deliver the housing requirement.

### **Conclusion on the submitted policies and main modifications**

79. The submitted policies with the exception of Policies CS6 and CS19 are not sound for the reasons given. The main modifications listed in the Appendix are necessary to make the policies sound.

## **Assessment of Legal Compliance**

80. My examination of the compliance of submitted Policies with the legal requirements is summarised in the table below. I conclude that the Policies meet them all.

| <b>LEGAL REQUIREMENTS</b>   |  |
|---|--|
| Local Development Scheme (LDS)                                    | The Core Strategy has long been included in the LDS. The examination of the remitted policies is referred to in the latest version of the LDS approved on 20 October 2015.         |
| Statement of Community Involvement (SCI) and relevant regulations | The SCI was adopted in March 2015 and consultation has been compliant with the requirements therein, including the consultation on the proposed 'main modification' changes (MMs). |
| Sustainability Appraisal (SA)                                     | Sustainability Appraisal was prepared for the originally submitted Core Strategy which assessed a  |

|   |  |
|---|--|
|   | range of housing delivery options and approaches towards the spatial strategy. A supplementary SA was produced during the formulation of modified Policy CS13 (Document RED/09) and that policy was found sound by the Inspector who examined it. During the course of the Examination the Council prepared a further Sustainability Appraisal Supplementary Report (Document CC/28) in respect of the currently submitted policies. This is adequate. |
| Appropriate Assessment (AA)                 | The North Somerset Core Strategy was adopted in April 2012 and was subject to a high level HRA assessment, which was later updated to take account of the increased housing requirement in policy CS13 of 20,985 dwellings for 2006-2026.  |
| National Policy                             | The submitted policies comply with national policy except where modifications are recommended.   |
| 2004 Act (as amended) and 2012 Regulations. | The submitted policies comply with the Act and the Regulations.  |

## Overall Conclusion and Recommendation

- 1. The Council's submitted policies with the exception of Policies CS6 and CS19 have deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of those policies as they stand, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been discussed in the main issues set out above.**
- 2. The Council has requested that I recommend main modifications to make those policies sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the submitted policies satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.**

*Jonathan Bore*

Inspector

This report is accompanied by the Appendix containing the Main Modifications.



## **APPENDIX**

### **SCHEDULE OF MAIN MODIFICATIONS**

## APPENDIX 2

# Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

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**Application number:** PA21/09823

**Agent:**

Tetlow King Planning Ltd  
Rosie Dinnen  
Unit 2  
Eclipse Office Park  
High Street  
Staple Hill  
Bristol  
BS16 5EL

**Applicant:**

LiveWest Homes Ltd  
C/O Agent

**Town And Country Planning Act 1990 (As Amended)  
Town And Country Planning (Development Management Procedure) (England)  
Order 2015**

## **Grant of Conditional Planning Permission**

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 29 September 2021 and accompanying plans:

**Description of Development:** Erection of 30 dwellings and associated gardens, formation of access, parking, landscaping, natural green space and associated works

**Location of Development:** Land At Polgine Lane  
Troon  
Cornwall

**Parish:** Camborne

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**CONDITIONS:**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application."

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
  - ' human health;
  - ' property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - ' adjoining land;
  - ' ground waters and surface waters;
  - ' ecological systems; and
  - ' archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

- 4 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 5 The approved remediation scheme in condition 4 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

- 6 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where

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**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823**

unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

- 7 A) No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site, in accordance with policy 24 of the Cornwall Local Plan

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## SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823

Strategic Policies 2010 - 2030 and paragraph 205 of the National Planning Policy Framework 2021.

- 8 Prior to the commencement of the development hereby approved, details of the finalised scheme for the provision of the management of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
1. Details of the surface water drainage design including calculations, layout and bespoke surface water drainage solutions (based on the findings of the site investigations and groundwater monitoring). The surface water drainage solutions must fully manage the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change;
  2. Infiltration should be used as the preferred method of surface water disposal;
  3. Exceedance flows, so far as it is practicable, must be managed within the site;
  4. A minimum factor of safety of 5 must be applied;
  5. A Construction Surface Water Management Plan must be provided;
  6. A Construction Quality Control Procedure must be supplied;
  7. A plan indicating the provisions for exceedance pathways and overland flow routes and mitigation measures;
  8. A timetable of construction including a plan indicating the phasing of development and the implementation of the drainage systems;
  9. The Surface Water Drainage Systems Operation and Maintenance Manual must be provided to confirm who will maintain the surface water drainage systems, a plan and schedule for the future maintenance and management, including responsibilities for the drainage and any overland flow routes.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The approved scheme shall be implemented in accordance with the agreed timetable and shall be managed and maintained in accordance with the approved details for the lifetime of the development. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

Reason: To prevent the increased risk of flooding within and off site, and minimise the impact of surface water within and resulting from the development on the area, and manage the potential pollution risk to surface water, by ensuring the provision of a satisfactory means of surface water control and disposal, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

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**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

- 9 In respect of condition 8, the Construction Phase Surface Water Management Plan shall include:
1. Areas proposed for infiltration systems e.g. soakaways must be fenced and protected from compaction during the construction phase. A plan clearly indicating the extent of the fenced areas must be included;
  2. Construction Phase Surface Water Management Plan for each phase of construction. This must clearly identify how surface water runoff from the site and the effects of silt and surface water on land, adjacent property, and the highway will be mitigated and managed throughout the construction period;
  3. Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, bunds and trenches;
  4. Construction Phasing Plan;
  5. Construction Site Plan showing compounds, material storage areas, temporary vehicle parking areas.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

- 10 In respect of condition 8, the Construction Quality Control Plan shall include:
1. Procedures used to ensure that the quality of contractors and subcontractors' workmanship is in accordance with the approved design;
  2. Details of the proposed storage and use of materials which must be in accordance with the manufacturer's recommendations and specifications;
  3. Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design;
  4. Details of how inspections, non-compliances and corrective actions will be recorded.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation, in accordance with policies 16 and 26 of the Cornwall Local Plan

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

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## SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823

Strategic Policies 2010 - 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

- 11 In respect of condition 8, the Surface Water Drainage Systems Operation and Maintenance Manual shall include:
1. A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks;
  2. A plan showing the location of all SuDS components within and serving the development including inlets and outlets. Each component must have a unique reference;
  3. Confirmation of who will adopt, operate, manage and maintain each SuDS component;
  4. Maintenance trigger requirements, including visual indicators for silt removal;
  5. A description of the proposed maintenance activities and a log of the activities;
  6. Maintenance Schedule identifying regular and occasional maintenance and remedial actions;
  7. Details of the maintenance access routes and easements.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the implemented surface water drainage systems are managed and maintained for the lifetime of the development, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

- 12 No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- i) construction vehicle details (number, size and type);
- ii) vehicular routes and delivery hours;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing of the development;
- vi) wheel washing facilities; and

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**DATED: 24 April 2023**

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- vii) measures to control the emission of dust and dirt during construction.

Reason: In the interests of the occupants of neighbouring dwellings and to maintain a safe and efficient highway network, in accordance with the aims and intentions of policies 12, 13, 16 and 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 110, 130, 174, 185.

- 13 The development hereby permitted shall not commence until a scheme to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time. The Biodiversity Management Plan shall include:

- Proposals for on-site biodiversity net gain;
- A management and monitoring plan for any Biodiversity Net Gain (BNG) including 30 year objectives, management responsibilities and maintenance schedules, monitoring and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed (excluding privately owned, domestic gardens).

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: In the interest of ensuring measurable net gains in biodiversity, in accordance with policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is required as ensuring biodiversity net gain is critical to the acceptability of the scheme and measures to ensure these gains should be agreed prior to any works which may impact upon the site.

- 14 No development shall commence until an open space delivery plan has been submitted to and approved in writing by the Local Planning Authority. The delivery plan shall demonstrate how the scheme provides no less than 600m<sup>2</sup> of type 2 natural public open space and is sustainable for the long term, including the detailed design specifications and any associated landscaping schemes, the associated maintenance/management requirements and estimated costs. The details shall include a timetable for its delivery including confirmation that the type 2 natural public open space shall be fully complete and available for use prior to occupation of 75% of the dwellings hereby approved. The type 2 natural

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

open space shall be delivered in accordance with the agreed details and maintained in accordance with the agreed details thereafter.

Reason: To provide a sufficient level of public open space in the interests of the health and well-being of the residents of the approved scheme, in accordance with policies 13 and 25 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 84, 93 and 130 of the National Planning Policy Framework 2021.

- 15 Notwithstanding the details included on the plans hereby approved, the development shall not commence until a scheme of landscaping, to include boundary treatments (means of enclosure), has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall provide:

- Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;
- Full schedule of plants;
- Details of the mix, size, distribution and density of all trees/shrubs/hedges;
- Cultivation proposals for the maintenance and management of the soft landscaping;
- Timetable for all planting, seeding and turfing;
- The proposed height, siting, appearance and construction of all boundary treatments (means of enclosure);
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, signs);
- Areas of pedestrian access.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in accordance with the timetable so agreed. The approved boundary treatments (means of enclosure) in relation to each plot shall be completed in accordance with the approved details prior to the first occupation of that plot, and retained as such thereafter.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted. The boundary treatments (means of enclosure) shall not thereafter be altered or removed, other than by necessary replacement, unless otherwise agreed in writing by the Local Planning Authority.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823**

Reason: In the interests of ecology, visual and residential amenity, in accordance with the aims and intentions of policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure appropriate protection measures for trees and hedgerows are in place prior to development starting, which would otherwise risk harm during construction.

- 16 Prior to the occupation of any dwelling hereby permitted, details, including plans and sections indicating the design, layout, levels, gradients, materials and method of construction of the estate roads and their junctions, surface water drainage, street lighting and means of access to the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwelling, the estates roads and associated works aforementioned serving that dwelling shall be constructed in accordance with the approved details, and no more than 50% of the dwellings hereby approved shall be occupied until the western access junction adjoining Polgine Lane has been constructed and completed in accordance with the details so approved. The scheme shall be retained as such thereafter.

Reason: To ensure the formation of a satisfactory estate road layout and pedestrian infrastructure in accordance with policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 110 of the National Planning Policy Framework 2021.

- 17 The development hereby approved shall be carried out in accordance with sections 5.2 and 5.3 of the Ecological Impact Assessment ref. 1239-EcIA-AE dated August 2021 prepared by GE Consulting. No development shall commence above damp-proof course level until details of the specifications and locations of 15no. bat boxes, 15no. bird boxes, and 30no. bee bricks which shall be integrated into the dwellings hereby approved have been submitted and approved by the Local Planning Authority. The development shall then be completed in accordance with the agreed details.

Reason: In the interests of biodiversity and ensuring the development avoids unreasonable ecological impacts, in accordance with policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021.

- 18 Prior to the first installation of the materials to the exterior of the dwellings hereby approved, details including photographic samples of the stone cladding, slate hanging, and roof finishes shall be submitted to and approved in writing by the Local Planning Authority. Before the first occupation of any of the dwellings hereby approved, the exterior finish of the dwelling shall be completed in accordance with its corresponding elevation plan hereby approved and with the said details to be subsequently approved.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823**

Reason: In the interests of visual amenity, in accordance with policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 130 and 174 of the National Planning Policy Framework 2021.

- 19 The development hereby permitted shall not be occupied until the foul water pumping station, including any means of enclosure, as indicated on approved plan reference 190622 L 02 01 Rev. F has been installed and completed in accordance with full details which shall first have been submitted to and approved in writing by the Local Planning Authority. Details shall include elevation/block/section plans and a maintenance schedule.

Reason: In the interests of visual and residential amenities, in accordance with policies 12, 16 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 130, 174 and 185 of the National Planning Policy Framework 2021.

- 20 The development hereby approved shall be carried out in accordance with the recommendations included within Section 8. 'Conclusions' of the Site Investigation Report, Report Ref: GM/RH/264688.SI, produced by Mining Searches UK dated 26th March. If instability is identified during construction works, a scheme for on-site investigations, an assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings when the site is developed, shall also be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.

Reason: In the interests of public safety and the residential amenities of future occupiers, in accordance with the aims and intentions of policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

- 21 With the exception of the streetlight secured by condition 15, there shall be no external lighting installed in relation to the development hereby permitted, other than that which accords with details within a lighting scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall take account of advice with the submitted Ecological Impact Assessment ref. 1239-EcIA-AE dated August 2021 prepared by GE Consulting. The development shall be carried out in accordance with the approved details and shall thereafter be retained without alteration, unless the lighting is removed. No further external lights shall be installed without the further written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in the interests of minimising potential impacts on bats, preventing light pollution and harm to the rural character of the area in accordance with policy 23 of the Cornwall Local

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/09823**

Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

- 22 Prior to the first occupation of any of the dwellings hereby approved, the parking spaces allocated to that dwelling shall be laid out and constructed in accordance with drawing No. 190622 L 02 04 rev. F; the parking bays shall not thereafter be obstructed or used for any other purpose.

Reason: To ensure adequate parking facilities off of the adjoining highway and in accordance with policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 110 of the National Planning Policy Framework 2021.

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no new openings above ground level shall be added to the north elevations of the dwellings on plots Nos. 6 and 7, as indicated on drawing No. 190622 L 02 01 Rev. F.

Reason: In the interests of the residential amenities of the occupants of neighbouring dwelling, in accordance with policy 12 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 130 of the National Planning Policy Framework 2021.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Proposed 190622 D 02 01 received 06/07/22  
Proposed 190622 D 02 02 received 06/07/22  
Proposed 190622 D 02 03 received 29/09/21  
Proposed 190622 D 02 04 received 06/07/22  
Proposed 190622 D 02 05 received 06/07/22  
Proposed 190622 HT 01 01 A received 06/07/22  
Proposed 190622 HT 01 02 received 06/07/22  
Proposed 190622 HT 01 03 received 06/07/22  
Proposed 190622 HT 01 04 received 06/07/22  
Proposed 190622 HT 02 01 A received 06/07/22  
Proposed 190622 HT 02 02 A received 06/07/22  
Proposed 190622 HT 02 03 A received 06/07/22  
Proposed 190622 HT 03 03 A received 06/07/22  
Proposed 190622 HT 02 04 A received 06/07/22  
Proposed 190622 HT 03 01 B received 06/07/22  
Proposed 190622 HT 03 02 A received 06/07/22  
Proposed 190622 HT 03 04 A received 06/07/22  
Proposed 190622 HT 04 01 received 06/07/22  
Proposed 190622 HT 04 02 A received 06/07/22  
Proposed 190622 HT 04 03 received 06/07/22  
Proposed 190622 HT 05 01 A received 06/07/22  
Proposed 190622 HT 05 02 received 06/07/22  
Proposed 190622 HT 05 03 A received 06/07/22  
Proposed 190622 HT 05 04 received 06/07/22  
Proposed 190622 HT 06 01 received 06/07/22  
Proposed 190622 HT 06 02 received 06/07/22  
Site/location Plan 190622 L 01 01 C received 06/07/22  
Existing 190622 L 01 02 C received 06/07/22  
Block Plan 190622 L 01 03 D received 06/07/22  
Proposed 190622 L 02 01 F received 06/07/22  
Proposed 190622 L 02 02 F received 06/07/22  
Proposed 190622 L 02 03 F received 06/07/22  
Proposed 190622 L 02 04 F received 06/07/22  
Proposed 190622 L 02 05 F received 06/07/22  
Proposed 190622 L 02 06 F received 06/07/22  
Proposed 190622 L 03 01 E received 06/07/22  
Proposed 190622 L 04 01 A received 06/07/22  
Proposed 190622 E 02 02 G received 17/08/22  
Proposed 190622 SE 02 04 A received 06/07/22

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)

**ANY ADDITIONAL INFORMATION:**

- Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cornwall CIL Charging Schedule gives this type of development a zero rate. Confirmation of no CIL liability will be sent to the applicant, and any other person who has an interest in the land, under separate cover. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.
- This permission is granted following the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between the Cornwall Council and Troon Estates Limited and Livewest Homes Limited and dated the 19th April 2023.

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 24 April 2023**

*Louise Wood* - Service Director Planning and  
Housing (Chief Planner Officer)



## NOTES

### Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planningportal.co.uk> . A copy of the completed appeal form must also be submitted to the Council.

**Please Note:-**If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](http://www.gov.uk).

(<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.

If this approval is for the erection of new buildings please refer to the note below.

### Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact [addressmanagement@cornwall.gov.uk](mailto:addressmanagement@cornwall.gov.uk) or telephone 0300 1234 100.

Tetlow King Planning Ltd - Bristol  
Rosie Dinnen  
Unit 2  
Eclipse Office Park  
High Street  
Staple Hill  
Bristol  
BS16 5EL

**Your ref:** Troon  
**My ref:** PA21/09823  
**Date:** 24 April 2023

Dear Sir/Madam

**Erection of 30 dwellings and associated gardens, formation of access, parking, landscaping, natural green space and associated works  
Land At Polgine Lane Troon Cornwall**

With reference to this planning application, I enclose the Decision Notice granting permission.

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before ...", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

**£116 (per request)** for applications not falling within fee categories 6 or 7 (non-householder applications)

**£34 (per request)** where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

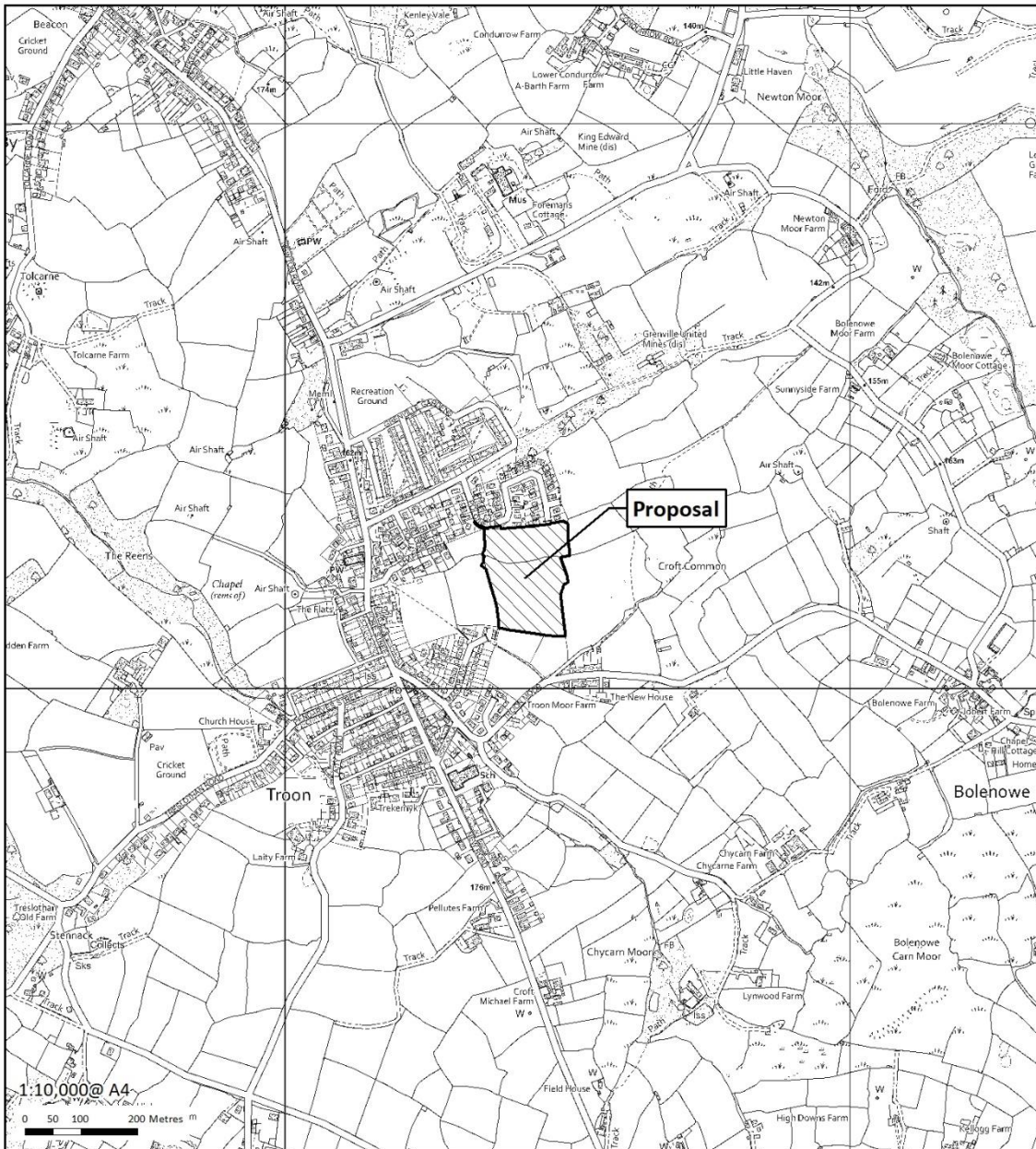
You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

**Hannah England**

**Senior Development Officer  
Development Management Service  
Tel: 01872 322222**

**Erection of 30 Dwellings and Associated Gardens, Formation of Access, Parking, Landscaping, Natural Green Space and Associated Works - Land at Polgine Lane, Troon.**



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**Location map**

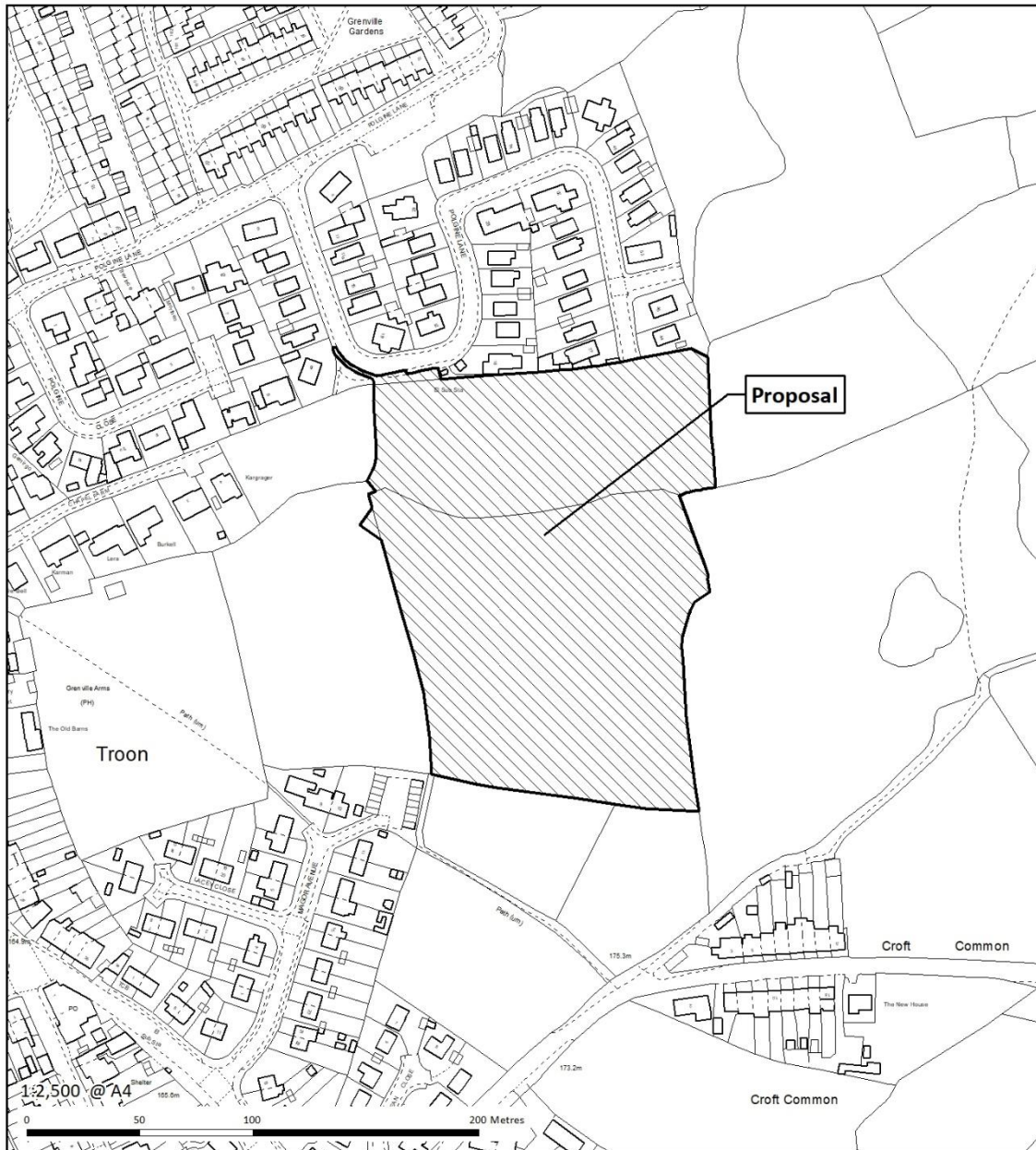
Grid reference **SW6638**  
Date **JUL 2022**  
Application No. **PA21/09823**



**Louise Wood - Service Director**  
Planning & Housing (Chief Planning Officer)



**Erection of 30 Dwellings and Associated Gardens, Formation of Access, Parking, Landscaping, Natural Green Space and Associated Works -  
Land at Polgine Lane, Troon.**



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**Site map**

Grid reference **SW6638**

Date **JUL 2022**

Application No. **PA21/09823**



**Louise Wood - Service Director**  
Planning & Housing (Chief Planning Officer)



Development Management  
Development Management Service



## West Planning Committee Report

22<sup>nd</sup> August 2022

|   |   |       |
|---|---|-------|
| Application number:                               | PA21/09823  |       |
| Site address:                                     | Land at Polgine Lane Troon Cornwall   |       |
| Proposal:   | Erection of 30 dwellings and associated gardens, formation of access, parking, landscaping, natural green space and associated works  |       |
| Application type:                                 | Full application  |       |
| Parish:   | Camborne  |       |
| Applicant:  | LiveWest Homes Ltd  |       |
| Target date for decision:                         | 18 April 2022   |       |
| Reason for application being called to Committee: | At the request of the Electoral Division Member, who has concerns regarding the capacity of the village's infrastructure and its ability to support the residential development proposed  |       |
| Departure:  | No  |       |
| Electoral Division Member:                        | Sally Anne Weedon CC  |       |
| Case Officer:                                     | Hannah England  |       |
| Link to view full documents:                      | <a href="http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R079U5FGKS400">http://planning.cornwall.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R079U5FGKS400</a>   |       |
| RECOMMENDATION:                                   | Approval subject to conditions and the completion of a S106 Agreement that secures the necessary affordable housing in accordance with the comments from the affordable housing officer and financial contributions towards the management of the Fal and Helford SAC and off-site public open space contribution. If the Section 106 Agreement is not signed by the expiry of the determination period or any agreed extension of time, then authority be delegated to the Service Director for Planning & Housing (Chief Planning Officer) to refuse planning permission. |       |
| Report sign off                                   | Report cleared by:  | Date: |

|                                 |                |            |
|---------------------------------|----------------|------------|
| Legal:                          | Ben Curnow     | 05/08/2022 |
| Head of Service representative: | Mark Broomhead | 02:08:2022 |

|   |
|---|
| Balance of Considerations and Conclusion: |
|---|

Planning permission is sought for a 100% affordable residential development comprising 30 new build dwellings on a field adjoining the edge of the village of Troon. The field to the rear of proposed development, included within the development site, is allocated as natural green space and is proposed for ecological enhancement.

The proposed development, situated in the open countryside, would be well-related to the physical form of the settlement, and is considered to represent a suitable rural exception site, in accordance with policy 9 of the Local Plan. Although not identical to the 1970s development adjoining the site, the development would not appear uncomfortable alongside it, appearing as logical extension to the existing built form, with reference being made to the historic and rural setting through the use of materials and landscaping treatments. Minor amendments have been made to the submission to avoid significant impacts to those residents occupying properties immediately adjoining the site.

The concerns of the local community in terms of the impact to local infrastructure resulting from increased traffic flows and exacerbated flood risk are acknowledged. However, the development would benefit from a suitable standard of allocated parking so as to limit the impact on existing on-street parking issues within the area, and the local highway is considered to have adequate capacity to accommodate the additional traffic movements. Further investigation into the ground conditions has been carried out in response to previous flood events within the locality and based upon the results of the geotechnical ground investigation and groundwater monitoring, the proposed development is not considered to increase the risks of flooding so as to justify a refusal of permission. The application is also supported by a Sequential Test whereby the sites allocated within the Strategic Housing Land Availability Assessment across the Parish of Camborne have been discounted and found unsuitable for a development of this particular scale.

On balance, whilst there would be a degree of harm resulting from the development, the proposal offers an extremely positive response to the county-wide housing crisis in an area where a high need for affordable dwellings has been identified. In view of its accessible location and appropriate relationship with the village, the site is a good candidate for the development proposed. To off-set the ecological impacts and result in a net gain in biodiversity, a large area to the rear of the housing development is proposed for ecological enhancement to form an area of natural green space.

The application is therefore recommended for approval subject to conditions and the completion of a Section 106 Agreement to secure the delivery of affordable dwellings on the site and contributions for the management of the Fal and Helford SAC and the off-site public open space.

**Proposal:**

1. The application seeks full planning permission for 30 affordable dwellings together with the formation of a new access road, parking, landscaping and natural green space. The proposed dwellings largely comprise two-storey terraced properties with the addition of four flats, two single-storey wheelchair accessible units and a two-storey detached dwelling. The dwellings would be finished with a mix of render, slate hanging and stone cladding.

The proposed site layout plan is included below with the full extent of the land to the south offered as natural green space not shown:



Southern street scene elevations are shown below:



|                         |
|-------------------------|
| Applicant's Submission: |
|-------------------------|

2. The applicant is LiveWest, a housing association who provide homes across the South West. Prior to the submission of the application, LiveWest was proactive with its community consultation process and has engaged with local stakeholders and residents by:
  - Distributing leaflets to residents of Polgine Lane and letters to Councillor Weedon and Councillor Monk to advise of online public consultation which received 117 responses;
  - Presenting initial plans for the 30 new dwellings to Camborne Town Council's Planning Committee; and
  - Submitting pre-applications to the Local Planning Authority.
  
3. The variety of responses have been addressed within the application submission, with particular reference to the Statement of Community Consultation submitted. The pre-application advice from the LPA advised "that the proposal has the potential to be considered as a rural exception site" and that "the proposal for 30 affordable units would in principle be supported." Further information was requested in respect of a Flood Risk Assessment including a sequential test and comprehensive drainage strategy for both surface and foul water. It was also considered that a contribution towards open space would be expected, alongside the provision of on-site open space.

|   |
|---|
| Relevant Development Plan and emerging Development Plan policies: |
|---|

4. **Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP):**
  - Policy 1 - Presumption in favour of sustainable development
  - Policy 2 – Key targets and spatial strategy
  - Policy 3 – Role and function of places
  - Policy 6 – Housing mix
  - Policy 9 – Rural exception sites
  - Policy 12 - Design
  - Policy 13 - Development standards
  - Policy 16 – Health and wellbeing
  - Policy 21 - Best use of land and existing buildings
  - Policy 22 – European protected sites
  - Policy 23 – Natural Environment
  - Policy 24 - Historic environment
  - Policy 26 – Flood risk management and coastal change



- Policy 27 – Transport and accessibility
- Policy 28 – Infrastructure

|                           |
|---------------------------|
| Summary of Consultations: |
|---------------------------|

5. **Divisional Member (26<sup>th</sup> July 2021):**

Having had more time to reflect on this application, I would like to call it in to the West Cornwall Planning committee as I believe the infrastructure of Troon is not strong enough to support more houses.

6. **Camborne Town Council (19<sup>th</sup> July 2022):**

Having made strong planning reasons to object this application, Camborne Town Council request it be determined by the Cornwall Council Planning Committee.

7. **Camborne Town Council (4<sup>th</sup> January 2022):**

Camborne Town Council recommend refusal of Planning Application (PA21/09823). The development would greatly exacerbate flood risk in what is already an area with flooding issues. The village has a Victorian combined sewer that cannot cope with current level of housing during heavy rain. It is a green field site, and not in the CLP. The current infrastructure levels are at capacity and would not be able to take the increase in population, and the additional vehicles would add to the current highway safety issues experienced in the village.

8. **NHS Primarycare (22<sup>nd</sup> July 2022):**

NHS Cornwall and Isles of Scilly Integrated Care Board (previously known as NHS Kernow Clinical Commissioning Group) will not be seeking any contribution, and withdraw our previous application, on this occasion for the development of erection of 30 dwellings and associated gardens, formation of access, parking, landscaping, natural green space and associated works, due to the development being solely for affordable housing.

9. **Public Protection (15<sup>th</sup> November 2021):**

Thank you for consulting Environmental Protection, Communities and Public Protection, the Phase 1 by Parsons Brinkerhoff ref: 3514306A-HHC, dated: July 2015, has been referred to in the Mining Searches UK Phase II report, this Phase I or preferably an updated Phase I report should have been submitted with this planning application. The Parsons Brinkerhoff report was located under the previous planning application PA17/05617 covering a larger site area and has been reviewed. The Phase I consultant identified the presence of widespread made ground/mine spoil, suspected mine shaft on site and former quarries this requires further ground investigation and a ground gas assessment due to infilling of pits / made ground in the east of the site, the consultant concludes that site investigation is necessary. It is

very important that strict dust controls are in place, this is a large, exposed site all waste requirements are to be satisfied.

The Generic Quantitative Risk Assessment Phase II, Mining Site Investigation and Percolation Test Report ref: GM/AM/177128.PII.MSI.PERC dated: 14th January 2020, covers the northern section of this particular application area only, no investigation appears to have been carried out in the larger southern area within the submitted redline boundary on the block plan ref: 190622 L 02 01 dated Oct 2020. The Phase II concludes that there is a risk from elevated arsenic in this northern section of the site. Further investigation/ analysis is recommended in this area due to arsenic, bioaccessibility testing should be carried out as this is a more sustainable approach than considering remediation options and may have a favourable outcome. No gas assessment has been carried out for the site due to the infilled pits/ made ground (Unspecified deposited material is noted on the councils mapping within the eastern section of the southern part of the site) and will need further consideration along with further sampling/ investigation in the southern part of the site. The conditions below should be attached to any decision notice for this planning application:

#### 1. Contaminated Land - Risk Assessment

No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land contamination risk management (LCRM), (or equivalent British Standard and Land contamination risk management if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

## 2. Contaminated Land - Remediation Scheme

No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

## 3. Contaminated Land - Verification Report following Remediation Scheme

The approved remediation scheme in condition (2) shall be carried out and upon completion a verification report by a suitably qualified contaminated land

practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development] is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

#### 4. Contaminated Land - Reporting of Unexpected Contamination

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

Planning ref: PA21/09823 Our ref: CL21\_000540 MR

#### 10. **Cornwall Fire and Rescue Service (16<sup>th</sup> November 2021):**

Further to your letter dated the 10th November 2021 regarding the above planning application, this Authority makes the following observations:

##### **ACCESS FOR FIRE APPLIANCES**

Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.

Adequate water supplies for Firefighting purposes will be achieved by:

- Complying with the requirements as detailed in the attached guidance note W102.
- Compliance with Part B5 of Approved Document B, Fire Mains and Hydrants.

### **Residential Sprinklers**

Cornwall Fire and Rescue Service support the provision of domestic sprinklers into all new residential developments. These should be installed to BS9251 and will reduce the risk to life and significantly reduce the degree of damage caused by fire. This consideration if implemented will enhance the safety of the occupants and any attending firefighters whilst providing property protection and maintaining the buildings continuity.

**Important:** We strongly recommend the installation of 32mm pipe (communication pipe) between the water main and all domestic premises to allow for the provision of fire sprinkler system to be installed in the future.

#### **11. Countryside Access Team (22<sup>nd</sup> November 2021):**

Thank you for consulting the Countryside Access Team in respect of this Planning Application. I can confirm that the Countryside Access Team in its role as Highway Authority for Public Rights of Way has no objection to the proposals.

Footpath 203/50/1 must remain open and accessible at all times.

#### **12. Devon & Cornwall Police Architectural Liaison Officer (26<sup>th</sup> November 2021):**

The proposed layout should provide active frontages and overlooking to the new internal streets which is supported.

The vehicle parking strategy appears acceptable. I note that the two parking courts appear gated, can this be confirmed and are these to be automatic gates?

Will the site be adopted? And will there be any lighting and in what form for the two parking courts?

With regard to private garden boundaries if the existing hedgerow is likely to comprise new rear garden boundaries in places then it must be fit for purpose. They should be of sufficient height (1.5m-1.8m) and depth to provide both a consistent and effective defensive boundary as soon as residents move in. This clearly must be along the entire hedge length If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge

must be of a type which does not undergo radical seasonal change which would affect its security function.

Other boundary types appear acceptable. Gates to rear gardens should be lockable and key operated is advised.

Perhaps the one area of potential concern is the boundary proposed for the southern edge of plots 26-30 which is post and wire. I am unclear from the plans whether there is access into the space from behind plot 30 to the west? If so this should be gated or suitably controlled.

The linear space shown between the southern site, built edge and the existing hedge should really be secure and accessible only by residents as will be hidden from view to a degree but there appears to be a footpath from the POS running into this space near plot 18? If so then this could potentially cause issues for residents I am unclear given that the parking courts are shown gated where persons using this footpath are meant to go?

It would be useful for the plots closest to the POS to incorporate first floor gable end windows if possible to assist with passive surveillance over the POS to the south.

### 13. **Principal Public Space Officer (26<sup>th</sup> November 2021):**

The National Planning Policy Framework 2019 (para 96) requires that planning policies should be based on robust & up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Whilst this assessment was done for larger settlements including Camborne, Pool & Redruth, it has not been undertaken in more rural parts of this parish. There is now an adopted methodology for Cornwall: <https://www.cornwall.gov.uk/parks-leisure-and-culture/parks-and-open-spaces/open-space-strategy-and-standards>, which should be followed. In the meantime, as Cornwall's Local Plan Policy 13.2 expects all new development to achieve the provision of public open space on-site, in proportion to the scale of the development and providing for different types of open space based on local need, we apply general open space standards, unless the developer carries out this assessment, and can demonstrate that there is an existing provision that is satisfactory in quantity, accessibility and quality terms.

These standards outline quantity, distribution and quality of design for six different essential types of open space, incorporating design requirements and minimum accessibility distances.

The scheme (Proposed Site Layout ' dwg: 190622 L 02 01 C) is proposing open space on-site to the south & rears of the housing, but it offers insufficient natural surveillance to be considered for more formal functions such as a playing field, as set

out in Cornwall Local Plan policy 12.1b. Even views via the main entrance are limited owing to a pumping station which rather dominates this access point. Instead, the open space would only be suitable as a new (type 2) natural open space, which is what is proposed, or possibly allotments subject to soil investigations. Although a pathway is indicated around the open space, no surfacing is identified in the Hard Works drawing (190622 L 03 01 B), so the scheme cannot be considered to meet any type 1 (amenity) function, and offers too limited an appeal to be serving the wider community benefit. The development is within range of formal open space provision at Troon Recreation Ground and Grenville Gardens though, both in need of investment.

In line with Local Plan Policies 13.2 & 28.2, where a development is not meeting all of its requirements on-site, an off-site contribution should be secured, via a Section 106 agreement. Costs for off-site contributions have been adopted as part of the Open Space Strategy. These may be applied to all dwellings, however under current arrangements allotment contributions are omitted at this scale and affordable units are discounted for outdoor sports. Payment should be made prior to occupation of 50% of dwellings. Deducting for type 2 provision, the sum of £456pounds per affordable unit and £1641pounds per open market dwelling should be secured. Contributions to be allocated to open space improvements to Troon Recreation Ground and/or Grenville Gardens Playing Field, in accordance with the Community Infrastructure Levy Regulations (2010), and to be approved in line with the Council's adopted protocol.

In line with Local Plan Policy 25.6, any development creating open space should prepare an open space delivery plan prior to commencement for approval by the planning authority. This includes detailed design specifications alongside associated maintenance requirements & estimated costs. Essentially, it must describe how this will be sustained in the long term and involve residents in the governance arrangements. It should also outline how the phased delivery of open space will align with house occupancy, and that all of the POS will be fully completed and available for use prior to occupation of 75% of the dwellings.

**14. Natural England (29<sup>th</sup> November 2021):**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Fal & Helford Special Area of Conservation (SAC).

We agree with the conclusion of the Appropriate Assessment that the proposal will not have an adverse effect on the integrity of the Fal & Helford SAC subject to mitigation in the form of a financial contribution to the Fal & Helford SAC Strategic Mitigation Plan.

**15. Historic Environment Planning Archaeology (1<sup>st</sup> December 2021):**

Thank you for consulting HEP Archaeology on this application. We have consulted the submitted archaeological assessment (HCUK July 2021) and note that it also presents the results of the geophysical survey of the entire application site (and neighbouring fields) (Stratscan 2016).

The geophysical survey identified a number of anomalies including a small number of linear and curvilinear features (labelled Anomaly 8, fig 13 of the archaeological assessment). Although of uncertain origin these could potentially be associated with a field system and settlement of later prehistoric date.

We note that the proposed development only includes housing in the northern field (with the southern retained as an open space). As outlined in sections 5.7 and 6.5 of the archaeological assessment, while the geophysical survey has not identified any significant anomalies in the northern field, geophysical survey can miss small features such as Neolithic and Bronze Age pits.

Section 6.2 of the assessment considers that the archaeological potential of the site is low to moderate, but it would not have considered recent evidence not (as yet) within the Cornwall and Isles of Scilly Historic Environment Record (HER), which suggests the potential for later prehistoric activity in the area is higher. This is evidenced from a site nearby where geophysical survey identified a number of linear anomalies pre-dating the extant field system including a short section which looked relatively insignificant, but which subsequent archaeological evaluation has confirmed as a potential Iron Age roundhouse (SW Archaeology unpublished).

Furthermore, the Historic Landscape Character (HLC) of the application site has been identified as Anciently Enclosed Land (AEL). This type has a high potential for buried archaeology from medieval and earlier periods.

We therefore consider it prudent that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual. HEP Archaeology would advise, for the above reasons, that any consent issued should carry the condition as worded below of sections A-D inclusive (please do not split into separate Conditions or treat separately), which includes words recommended by the Association of Local Government Archaeological Officers (ALGAO), as follows:

A) No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:



1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site. This is in accordance with the provisions of NPPF (2021) Chapter 16, paragraph 205 and Cornwall Local Plan policy 24.

**16. World Heritage Site Office (6<sup>th</sup> December 2021):**

Thank you for consulting the Cornish Mining World Heritage Site Office. We have reviewed the submitted information and note that this application follows on from that refused outline planning consent under application no. PA17/05617.

The WHS Office commented at that time as follows;

The principle of development in this specific location is considered acceptable in the context of impacts to the WHS and its setting. It is not anticipated that the proposed development will impact on the Outstanding Universal Value of the World Heritage Site, provided that the development follows the principles set out within the HIA in relation to open space, hedgerow retention and layout.

The precise design, layout and landscaping still require careful consideration and assessment and the WHS Office would wish to be consulted on any reserved matters application as may be submitted should this outline application be granted planning consent.

The current application appears to follow the advice to largely retain the hedgerows, other than where access routes are laid out.

The WHS Office is concerned that the designs such as those referenced HT 1B AFF option 2 and HT 2B AFF option 2 appear somewhat generic and of low quality with little to reflect local distinctiveness as can be found in other areas of Troon such as the dwellings that line areas such as Pendarves Street, Laity Road, New Road and Treslothan Road. Other designs such as those referenced HT 4B AFF option 2 include material finishes such as slate hanging, which is not found in the local historic vernacular, where stone predominates.

Changes to design and materials to take cues from these existing dwellings within Troon would better reflect local character and be of a higher quality than the current designs and more suited to their location within the WHS.

Consequently, whilst not objecting to the principle of the development the WHS Office has concerns as to the quality of the designs as currently proposed and would wish to see revisions to better reflect local distinctiveness.

While no further comment is deemed necessary in this instance, it should be noted that World Heritage Sites are designated by the United Nations, Educational, Scientific and Cultural Organization (UNESCO) as places of significance to the whole of humanity. This puts the Cornish Mining World Heritage Site on a par with international treasures such as the Taj Mahal, the Pyramids, Stonehenge, and the Great Wall of China. Harm to any attributes of Outstanding Universal Value (international significance) within the World Heritage Site risks the loss of this status for the entire designated property across Cornwall and west Devon.

**17. Highways Officer (6<sup>th</sup> July 2022):**

I note that a revised plan has been provided, this alters the housing type, the road layout and access arrangements have not altered, therefore my previous comments still apply. Please note, on-street allocated car parking spaces are not accepted as part the adopted carriageway, therefore the current layout would not meet the adoptions requirement and the carriageways would need to remain in private ownership.

**18. Highways Officer (7<sup>th</sup> December 2021):**

I have visited the site and considered the submitted information. It should be noted that I previously did not raise an objection to an application for 70 dwellings on the site in 2017 - PA16/07067. Within that application I had raised concerns about rearward visibility, a revised plan was submitted slightly amending the location of the main access. The plans in the current application for 30 dwellings detail an access point that was previously supported.

There have been previous concerns raised regarding on street parking near to the junction between Newton Road and Polgine Lane, I previously stated the following regarding this issue:-

On street parking:-

Newton Road in the vicinity of the junction with Polgine Lane is often congested with parked cars which restricts the free flow of traffic through Troon, many representations on the planning website include photos of the on street parking causing congestion and on site observations confirm that on-street parking does frequently occur.

The section of Newton Road to the north of the junction with Polgine Lane has a number of drive ways which has the result of breaking up the line of parked cars enabling passing places which whilst the free flow of traffic is interrupted, it does enable traffic to avoid significant delays at this location.

Parking:-

Adequate parking has been included, with two spaces per house and one space each for the six apartments. This is in line with Cornwall Council parking guidelines.

Conclusion

Due to the limited direct impact the trip generation resulting from the proposed development would have on the on-street parking issues and the potential option to the exit utilising the Grenville Gardens/Newton Road junction (via the traffic calmed route to the rear of Grenville Gardens). I have no highways objection subject to the following conditions:-

1. Access and footway connecting with existing infrastructure as per plan no. 190622 L 02 01 C
2. Parking and turning
3. Estate Roads - details to be provided

## 19. Affordable Housing (1<sup>st</sup> July 2022):

**Note:** Comments are confined only to the affordable housing implications of this proposal and are made without prejudice to any formal decision of the Planning Authority.

### Summary

The application by LiveWest is for a total of 30 dwellings, all of which are proposed as affordable housing. This level of affordable housing is significantly above the minimum requirement for affordable housing as set out within policy 9 of the Cornwall Local Plan and will help to meet the local housing need.

The affordable housing team SUPPORT the proposal subject to the completion of a satisfactory s106 agreement that ensures the dwellings can only be occupied by a qualifying person in housing need and controls the tenure and affordability of the affordable dwellings.

### Relevant Policy Position

The proposal seeks full permission for 30 dwellings on a rural exceptions site within the settlement of Troon and which is located within the Camborne Parish.

Traditionally rural exceptions sites such as this would be required to provide 100% affordable housing. However, the NPPF and Policy 9 of the adopted Cornwall Local Plan make provision for some open market housing where the proposal:

- Is affordable housing led, i.e. the primary purpose is to provide affordable homes;
- Meets local needs;
- Comprises only the number of open market homes which are essential to subsidise the delivery of the affordable housing; and
- Does not comprise of more than 50% open market homes or land-take.

Such sites must also have the support of the local community and be well related to the physical form of the settlement and appropriate in scale, character and appearance.

It is noted that this scheme is to provide 100% affordable housing on site.

### Housing Need Justification

HomeChoice registered local housing need in the Town of Camborne is currently 1121 households seeking affordable rented homes.

| Band   | Council minimum bed need |    |   |   |   | Total |
|--------|--------------------------|----|---|---|---|-------|
|        | 1                        | 2  | 3 | 4 | 5 |       |
| Band A | 29                       | 11 | 2 | 2 | 0 | 44    |

|              |            |            |            |           |          |             |
|--------------|------------|------------|------------|-----------|----------|-------------|
| Band B       | 21         | 15         | 12         | 11        | 6        | 65          |
| Band C       | 116        | 89         | 107        | 41        | 2        | 355         |
| Band D       | 34         | 53         | 7          | 0         | 0        | 94          |
| Band E       | 302        | 182        | 75         | 4         | 0        | 563         |
| <b>Total</b> | <b>502</b> | <b>350</b> | <b>203</b> | <b>58</b> | <b>8</b> | <b>1121</b> |

234 of the 1121 households are aged 55 or over (179x 1 bed, 40x 2 bed, 9x 3 bed, and 6x 4 bed).

11 households have an assessed Category M4(3) Wheelchair Accessible Housing need (4x 1 bed and 7x 2 bed), and a further 10 have a self-assessed need (9x 1 bed and 1x 2 bed).

25 households have an assessed Category M4(2) Accessible and Adaptable Housing need (15x 1 bed, 9x 2 bed, and 1x 3 bed), and a further 57 have a self-assessed need (46x 1 bed, 8x 2 bed, and 3x 3 bed).

### **Tenure & Unit size mix**

The Cornwall Local Plan seeks a mixture of 70% rented homes and 30% shared ownership or intermediate sale. In this instance, the applicant is proposing to deliver all of the units for social rent in the following mix:

- 6x 1 bed/2 person maisonettes (Plots 12, 13, 24, 25, 26, 27)
- 11x 2 bed/4 person houses (Plots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17)
- 1x 2 bed/4 person bungalow (M4(3) Wheelchair) (Plot 14)
- 1x 3 bed bungalow/5 person (M4(3) Wheelchair) (Plot 15)
- 9x 3 bed/5 person houses (Plots 16, 18, 19, 20, 21, 22, 23, 28, 29)
- 2x 4 bed/8 person houses (Plots 1, 30)
- **Total – 30**

### **Design and Quality**

All of the affordable dwellings are designed to meet the Nationally Described Space Standards in accordance with Policy 13 of the Cornwall Local Plan.

The 9x 3 bed houses are all designed as accessible homes (Building Regulations Approved Document M4 (2): Accessible and adaptable dwellings or successor documents). In addition, the 2 bungalows are proposed to meet the higher specification M4(3) Wheelchair standards.

### **S.106**

The Affordable Housing Team supports the application subject to completion of a satisfactory s.106 agreement that ensures the dwellings can only be occupied by

qualifying persons in housing need. The s.106 agreement must also control the tenure and affordability of the affordable dwellings, including;

- County Local Connection criteria in line with Council policy with priority being given to those with connections to Camborne Parish.
- Nomination rights for Cornwall Council
- 100% Social Rent
- Ensure compliance with the provisions in the Council's precedent s.106 agreement with regards to affordable housing.

**20. Forestry Officer (19<sup>th</sup> April 2022):**

No Objections. The proposed development will have minimal impact on trees and hedgerows as long as the Arboricultural Method Statement and Tree Protection Plan, as submitted, are conditioned and adequately enforced. No Objections.

**21. Local Lead Flood Authority (29<sup>th</sup> June 2022):**

The LLFA has been extensively consulted on the application below. Please note that we cannot provide comments in relation to highway drainage or the foul sewer systems, because these matters are beyond our remit.

Since the last consultation, groundwater monitoring has been undertaken across the site.

The sequential test has also been completed. With regard to this, I appreciate that the benefits that this development brings in the provision of affordable housing could outweigh the potential flood risk. I have considered the location of this development and its proximity to the locations of historic flooding. My concern is that the redline boundary for the site extends far beyond the location where the dwellings are currently shown. A precedent could be set for the development of the remainder of the area within the redline if this development is granted. As each planning application is taken on its own merits, the comments provided by the LLFA refer to the proposals as described above and shown on Clifton Emery Design drawing 190622. L 02.

If you are minded to grant the application, the following conditions are suggested:

**Detailed Surface Water Design Condition**

No development approved by this permission shall be commenced until the finalised scheme for the provision of the management of surface water drainage has been submitted to and approved by the LPA. This shall include:

1. Details of the surface water drainage design including calculations, layout and bespoke surface water drainage solutions (based on the findings of the site

- investigations and groundwater monitoring). The surface water drainage solutions must fully manage the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change
2. Drainage systems must ensure that (unless an area is designed to hold/convey surface water) flooding does not occur to any building or part of a building, utility or plant, pumping station or electricity substation during the 1 in 100-year peak rainfall event
  3. Infiltration should be used as the preferred method of surface water disposal.
  4. Exceedance flows, so far as it is practicable, must be managed within the site
  5. A minimum factor of safety of 5 must be applied
  6. A Construction Surface Water Management Plan must be provided
  7. A Construction Quality Control Procedure must be supplied
  8. A plan indicating the provisions for exceedance pathways and overland flow routes and mitigation measures
  9. A timetable of construction including a plan indicating the phasing of development and the implementation of the drainage systems
  10. The Drainage Operation and Maintenance Manual must be provided to confirm who will maintain the surface water drainage systems, a plan and schedule for the future maintenance and management, including responsibilities for the drainage and any overland flow routes

The Developer must inform the LPA of any variation from the details provided and agree these in writing before such variations are undertaken

The approved scheme shall be implemented in accordance with the agreed timetable and shall be managed and maintained in accordance with the approved details for the lifetime of the development. Details of the maintenance schedule shall be kept up to date and be made available to the LPA within 28 days of the receipt of a written request.

Reason: To prevent the increased risk of flooding within and off site, and minimise the impact of surface water within and resulting from the development on the area, and manage the potential pollution risk to surface water, by ensuring the provision of a satisfactory means of surface water control and disposal.

#### Construction Phase Surface Water Management Plan Condition

Prior to the commencement of any phase, details of the Construction Phase Surface Water Management Plan must be submitted to and approved by the LPA. This must include:

1. Areas proposed for infiltration systems e.g., soakaways must be fenced and protected from compaction during the construction phase. A plan clearly indicating the extent of the fenced areas must be included
2. Construction Phase Surface Water Management Plan for each phase of construction. This must clearly identify how surface water runoff from the site and the effects of silt and surface water on land, adjacent property, and the highway will be mitigated and managed throughout the construction period
3. Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, bunds and trenches
4. Construction Phasing Plan
5. Construction Site Plan showing compounds, material storage areas, temporary vehicle parking areas

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation.

#### Construction Quality Control Plan Condition

Prior to the commencement of any phase details of the Construction Quality Control Plan must be submitted to and approved by the LPA. This must include:

1. Procedures used to ensure that the quality of contractors and subcontractors' workmanship is in accordance with the approved design
2. Details of the proposed storage and use of materials which must be in accordance with the manufacture's recommendations and specifications
3. Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design
4. Details of how inspections, non-compliances and corrective actions will be recorded

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation.

#### Surface Water Drainage Systems Operations and Maintenance Manual

Prior to the commencement of any phase details of the Surface Water Drainage Systems Operation and Maintenance Manual is required and must be approved by the LPA. This must include the following:

1. A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks



2. A plan showing the location of all SuDS components within and serving the development including inlets and outlets. Each component must have a unique reference
3. Confirmation of who will adopt, operate, manage and maintain each SuDS component
4. Maintenance trigger requirements, including visual indicators for silt removal
5. A description of the proposed maintenance activities and a log of the activities
6. Maintenance Schedule identifying regular and occasional maintenance and remedial actions
7. Details of the maintenance access routes and easements

Reason: To ensure that the implemented surface water drainage systems are managed and maintained for the lifetime of the development.

#### As Constructed Drawings Condition

On completion of construction, an "As Constructed" drawings and supporting information must be provided to and agreed with the LPA.

Reason: To ensure that the implemented sustainable drainage features are accurately recorded to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation.

#### 22. Local Lead Flood Authority (28<sup>th</sup> June 2022):

Based on the results provided, I am satisfied that the groundwater levels found on site should not pose a risk to the infiltration systems proposed.

With regard to the results of the sequential test, a systematic approach has been taken which is confirmed in Table 1 Assessment Criteria. The one thing that the assessment could have included is the impact of historic flooding events on the assessed sites, but there is likely to be limited data on this.

|                  |
|------------------|
| Representations: |
|------------------|

The key planning related points have been summarised below:

#### 23. Oppose:

- Speculation that the natural green space and adjoining land is intended for housing development in the future;
- Natural space will only benefit residents of the proposed development and further details should be required including management plans;

- Existing problems with the village's infrastructure which is insufficient to support the proposed development including electric supply and Victorian sewerage prone to flooding;
- Insufficient facilities due to demand for healthcare, school and college being at capacity, lack of public house or leisure facilities for young people;
- Risks of anti-social behaviour;
- History of flooding within the area and foul and surface water flood risks and drainage concerns, including photographic evidence of flooding events;
- Brownfield land and derelict buildings should be used in first instance;
- Potential contamination, ground gases, risks of contaminated dust spread;
- Instability/subsidence and historic mining impacts including several occurrences of subsidence in and around Polgine Lane;
- Unsustainable and inaccessible location due to distance from local facilities and employment opportunities within the nearest main settlement, poor availability to public transport and topography and distance making walking/cycling unsuitable;
- Highway safety concerns including existing congestion, insufficient off-street parking provisions and existing on-street parking issues and significantly higher trip-rate than anticipated;
- Noise, disturbance, dirt and dust arising through the construction process and access concerns for construction vehicles;
- Noise and vibration from pump station;
- Loss of light and loss of privacy;
- Loss of views of the countryside and rural setting to village;
- Impact on property values;
- Contribution to climate change and unsustainable building methods;
- Loss of identity of the village;
- Existing residential development being of a low quality and the proposed development being out of keeping and not of an appropriate character and appearance, including design, finish and materials;
- Location not well-related to the settlement;
- Loss of agricultural and greenfield land within the open countryside;
- Impact on mental health of residents;
- Conflict with planning policy;
- Impact of light pollution and loss of dark skies;
- Impact on ecology and green corridors;
- Impact on WHS, mining heritage and archaeological and historic features on land;
- No site allocation for residential development on the site;
- Affordable housing exceeding demand/percentage of need wrongly assessed, and delivery of affordable housing in this area exceeds the need;

- Insufficient community consultation by applicant, with the planning process being inadequate for present day needs, due to poor local democracy and consultation;
- Local community not in support;
- Planning history of refused application;
- No provision for electric charging points for vehicles;
- Covid-19 has limited opportunity for collecting accurate data to inform assessment;
- Concern that the village does not receive Camborne's, the nearest main settlement, grant funding, and consideration that the demand for housing in urban areas of Camborne and Redruth etc should be considered separately to Troon;
- No allotments or garden fields that were intended for loss of community land in 19th Century;
- Existing high levels of social housing within the village resulting in an imbalance;
- Overpopulation of the village;
- Development likely to be occupied by people from out of both Troon and the county;
- Not responding to housing crisis, due to new stock being built and existing sold off, and problems intensified through right to buy scheme.

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| Assessment of Key Planning Issues: |
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The planning application needs to be assessed against the Development Plan policies and any other material considerations.

The key issues that require addressing in the determination of this application include:

- Principle of the Development
- Visual impact/Design
- Historic Environmental Impacts
- Highway Safety, Access and Parking Provision
- Ecological impacts and Biodiversity Net Gain
- Public Open Space
- Habitat Regulations Assessment
- Ground Conditions
- Flood Risk
- Residential Amenity
- Infrastructure and Contributions
- Housing Crisis

**Principle of the Development:**

24. This submission follows the refusal of application ref. PA17/05617 which sought permission for the development of 70 dwellings (with a minimum of 35 affordable dwellings proposed) on land comprising 4 fields, including that subject of the current application. The subsequent appeal was dismissed for two reasons. Firstly, by reason of the total quantum of development, with the potential for 35 market houses, in relation to the number of existing houses, allied to the land take and the limited facilities, not being appropriate in scale in relation to the settlement of Troon. Secondly, by reason of the failure to carry out a sequential test in view of the presence of unrecorded mineworking's and associated subsidence, finding that it would be extremely difficult to ensure that flood risk would not be increased.
25. Policy 9 of the Local Plan provides in-principle support for 'rural exception sites' which comprise development proposals on sites outside of but adjacent to the existing built up area of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and would be well related to the physical form of the settlement and appropriate in scale, character and appearance. The number, type, size and tenure of the affordable dwellings should reflect identified local needs as evidenced through the Cornwall Housing Register or any specific local surveys completed using an approved methodology.
26. The proposed development solely comprises affordable housing, such that it is clearly affordable housing-led. To this regard, the scheme comprises 100% affordable rented scheme which includes 2 higher specification dwellings suitable to accommodate those with a wheelchair accessible housing need. Policy 8 of the Local Plan establishes that the target provision for affordable housing (other than starter homes) is typically in the following tenure proportions: 70% rented homes owned or managed by affordable housing and 30% intermediate housing for rent or sale. Whilst the target tenure proportions are not met in this case, the Affordable Housing Team advise that the HomeChoice registered local housing need in the Town of Camborne is currently 1121 households seeking affordable rented homes, such that this proposal would sufficiently respond to the identified local need.
27. In accordance with policy 9, the proposed development is considered to be well-related to the existing settlement of Troon, demonstrated by the full length of the application site immediately adjoining the existing residential development along Polgine Lane, which would be extended by an interconnected road system to form a natural continuation of the estate. There were no concerns raised in previous decisions regarding the site's relationship with the physical form of the settlement, albeit being comparatively different as it does not extend across four fields to join the settlement on two sides.

28. The key concern in this regard in previous decisions related to the scale of the development, which has now been significantly reduced. This scheme is also comparatively different insofar that the proposal relates to a scheme solely comprising affordable housing, rather than seeking to accommodate up to 35 open market dwellings on up to 50% of the substantial land take proposed at the time.
29. With further regard to the scale of the development, it is of note that the village of Troon is a well-established settlement, benefiting from services and facilities, which may be perceived as relatively limited, including a convenience store, place of worship, a sports ground and a primary school. However, the settlement is in reasonable proximity to the main settlement of Camborne and benefits from a regular bus service, so as to provide a sustainable means of access to the larger settlement with a greater range of services, facilities and increased employment opportunities.
30. The recent approval of permission for 26 dwellings on the south-west side of Troon, decided by the West Sub Area Planning Committee in February 2022, is acknowledged. Nonetheless, this site is located in a different area within the village, visually and physically separated. Whilst noting the extensions of the settlement permitted in recent years, when taking into the significantly reduced scale of the proposed scheme, the proposed development is not of a scale that is considered so excessive as to justify the refusal of this 100% affordable housing scheme.
31. Subject to the acceptability of the character and appearance of the development, discussed below, the principle of the scheme is acceptable, in accordance with policy 9.

#### **Visual impact/Design:**

32. The proposed development would undoubtedly change the character and appearance of the existing field, which currently reads as a field on the edge of the settlement. Even so, the development would appear as a comfortable extension to the existing settlement, viewed in the foreground of an existing housing development when viewed from afar.
33. The development immediately adjoining the site is a circa 1970's residential development comprising a mix of bungalows adjoining continuous rows of two-storey terraced dwellings finished in render and concrete tiles. There are more traditional and historic properties within the historic core of the village, primarily comprising stone fronted terraced dwellings. The properties will evidently be a

newer extension to Polgine Lane, but this does not mean that the form/design of the scheme is unacceptable.

34. The new road access would provide a natural continuation to Polgine Lane where it leads onto a shared surface street fronted by a variety of properties on either side. The dwellings on the north side would have relatively simple forms, largely comprising two-storey properties with staggered ridge heights and arranged in groups of four with a continuous building line. The dwellings on the south side would again be of a simple two-storey forms, laid out in rows, orientated with their gables fronting the highway. There would be a semi-detached single-storey pair of dwellings in the north-east side finished with road fronting gables partly finished in slate hanging. The dwellings would largely be finished in off-white render, but to give the development interest, the two-storey gable fronting properties would be finished in stone cladding, and those occupying prominent positions, at the entrance and its edges of the development, would be finished with a mix of stone cladding and slate hanging. The existing Cornish hedged boundaries would be enhanced through new planting; ornamental hedges would be planted forward of the dwellings; and a scattering of trees would be planted along the street scene. A mix of stone clad walls and stone clad walls with railings above would enclose the parking areas contained between the rears of the dwellings on the south side, and the parking would be positioned forward and to the side of the dwellings on the north and east side.
35. Whilst contrasting with the residential estate immediately adjoining the site, the relatively simple and uncomplicated forms, with considered boundary treatment and finish to provide interest and avoid a bland form of development, would not appear incongruous in their setting, noting that paragraph 130 of the Framework advises that appropriate innovation or change should not be prevented or discouraged. The timber fences between rear gardens would be partly concealed with more sympathetic boundary treatments and the additional planting assists with the relationship of the site to its rural backdrop.
36. Overall, the design and layout is considered appropriate and there is no harm identified from the design or density proposed. The proposed development is considered to accord with policies 2 and 12 of the Local Plan and paragraph 130 of the Framework, which together seeks to ensure new development will function well and add to the overall quality of the area, provide continuity with existing built form and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

#### **Historic Environmental Impacts:**

37. The application site is designated within Camborne and Redruth Mining World Heritage Site (WHS) and a Heritage Impact Assessment has been submitted to support the application. Following consultation, the WHS Office raised no objection to the principle of the development, considering that the scheme would not impact upon the outstanding universal value of the asset and acknowledging the proposed retention of hedgerows. The WHS Office raised some concern with the design and finish proposed, considering that the development appears somewhat generic and of low quality, with little to reflect local distinctiveness as can be found in other areas of Troon, such as the dwellings that line areas such as Pendarves Street, Laity Road, New Road and Treslothan Road. Whilst higher quality materials would be preferred, such as natural slate to the roofs and natural stone to the external elevation, this is not considered to be a reason to refuse the application in view of its context, which is visually and physically separate from the historic streets referenced. It is noted that the encouragement to improve the design and finish seeks to improve the aesthetics of the scheme rather than referring to any specific concern regarding the WHS designation.
38. An archaeological report has been submitted, and whilst it finds the archaeological potential of the site is low to moderate, the Historic Environment Planning Archaeology Officer (HEP) has identified that the Cornwall and Isles of Scilly Historic Environment Record suggests the potential for later prehistoric activity in the area is higher, and the Historic Landscape Character (HLC) of the application site has been identified as Anciently Enclosed Land (AEL) thereby giving rise to high potential for buried archaeology from medieval and earlier periods. HEP have therefore advised that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual. This recommendation has been secured by a pre-commencement planning condition.

#### **Highway safety, Access and Parking Provision:**

39. The development includes the creation of two new accesses from Polgine Lane to provide a natural continuation from the existing highway with clear visibility for all vehicles accessing and egressing from the site. Polgine Lane provides access into the residential area and further west adjoins to Newton Road, the main road running through the village. The Highways Officer has acknowledged that on-street parking frequently occurs and causes some congestion, restricting the free flow of traffic through Troon. However, the Highways Officer notes that the section of Newton Road to the north of the junction with Polgine Lane has a number of driveways that have the result of breaking up the line of parked cars, enabling passing places which, whilst the free flow of traffic is interrupted, allow traffic to avoid significant delays at this location. Additionally, there are two access points from Newtons Road that provide access to the residential area around Polgine Lane and Grenville Gardens, giving alternative access options during peak times. In view of the trip

generation arising from the development, together with the suitable access routes available, the Highways Officer has raised no objections on the grounds of highway safety, subject to conditions requiring details of the estate road and access and footway connecting with existing infrastructure, and to secure the parking and turning provisions.

40. Public comments raise concern that the trip rates provided within the TAN reflect the situation experienced during the pandemic. It should, however, be noted that the previous decisions have also raised no overriding concerns with respect of highway safety.
41. With regard to the parking provisions, the proposed dwellings would benefit from allocated parking distributed around the site, on-plot, within courtyards and on-street together with on-site turning for all vehicles likely to require access, including refuse vehicles, ensuring all vehicles exit the site in a forward gear. The provision of electric charging points cannot be insisted upon as part of this planning decision in view of the lack of adopted planning policy.

#### **Ecological Impacts and Biodiversity Net Gain:**

42. An Ecological Impact Assessment supports the application and found the site to be of relatively low ecological value with those higher quality habitats, such as the boundary hedgerows, being retained (with exception of 38m) as part of the development. Subject to sufficient mitigation and compensation, the development is highly unlikely to have a significant impact on protected or notable species. As a precautionary measure and to safeguard any protected species using the site, the following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:
- Habitat manipulation prior to soil stripping to protect common amphibians and reptiles.
  - Sensitive lighting scheme for bats and other nocturnal species.
  - Vegetation clearance to be preceded by a check for dormouse nests and birds' nests (season dependent).
  - Creation of scrub and grassland habitats to the south of the site.
43. As per current guidance, given the submission is a major application, the Council is seeking a minimum 10% biodiversity net gain (BNG), measured as per the DEFRA metric. The development would result in the loss of approx. 0.9ha of poor semi-improved grassland and 38m hedgerow. It is proposed that the loss of the habitats will be compensated for through the creation of 0.71ha of semi-improved grassland and 0.9ha of scrub to the south of the site, resulting in a BNG in excess of 10%.



44. A small proportion of the land offered for ecological enhancement is also intended to provide for a public open space function, offered as natural green space. There is an essential need for a delivery plan including long term management of the area to avoid adverse impacts to the BNG's through recreational uses of the public open space. A detailed scheme together with long term management would therefore be required to prevent any losses to the forecasted gains.
45. The agent has confirmed that the land to the rear of the site is offered primarily as a BNG area and considers it to be appropriate described as a 'natural green space,' stating that, "We appreciate that Cornwall Council takes its environmental responsibilities seriously and have adopted the principles of biodiversity net gain ahead of the mandatory requirements in the forthcoming Environment Act. LiveWest is also dedicated to the environment and environmental gain, and this is why we have included the green area. The proposals will provide the residents with an opportunity to engage with nature by providing a trail throughout, but first and foremost it provides a natural green area to be safeguarded for the future and to encourage biodiversity."
46. The Cornish hedges on site, namely the northern and eastern boundaries, would be enhanced through in-fill planting with a native hedging mix comprising a minimum of five woody species. In addition, the following enhancements for protected species are recommended to comply with the Cornwall Planning for Biodiversity Guide:
- 15no. bat boxes integrated into the proposed dwellings.
  - 15no. bird boxes integrated into the proposed dwellings.
  - 30no. bee bricks integrated into the proposed dwellings.
47. The provisions for BNG are therefore considered acceptable, subject to a condition to secure the final scheme including cultivation proposal and a plan for management and monitoring plan being secured; the latter should include the 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
48. The ecological mitigation, compensation and enhancement is in accordance with the aims and intentions of policy 23 of the Local Plan and paragraphs 170 and 180 of the Framework.

**Public Open Space:**

49. Policy 13 of the Local Plan expects all new development to achieve the provision of public open space on-site, in proportion to the scale of the development and providing for different types of open space based on local need. Where there is access to alternative facilities that would meet the needs of the new development, contributions to the ongoing maintenance and management of these alternative facilities may be required as part of a reduced requirement on site. Developments of this scale are expected to contribute to both type 1 (amenity function) and type 2 (natural open space) public open space provisions.
50. While the natural green space within the development site to the south of the 30 dwellings proposed is an area primarily offered for ecological enhancement, so as to result in net gains in biodiversity, a trail surrounding the area is proposed. There is insufficient natural surveillance over this area to constitute type 1 public open space. The development is, however, within a range of formal open space provisions; namely Troon Recreation Ground and Grenville Gardens. Both are in need of investment and an off-site contribution for this type 1 provision can be secured by way of S106 agreement and allocated to improving these existing sites in Troon.
51. The Public Open Space Officer confirms that an accessible area of 600sqm within the area proposed as natural open space would be sufficient to fulfil the type 2 public open space requirement for this number of new dwellings. The trail itself covers an area of some 740sqm which would therefore meet this requirement. There is some conflict between the proposed recreational use of land and the BNG objectives, and it would be essential to avoid the recreational uses depreciating the BNG to less than 10%. To ensure that a sufficient level of natural open space is provided, whilst protecting the BNG's, an open space delivery plan should be secured by way of planning condition to include the detailed design specifications, alongside associated maintenance requirements and estimated costs. Essentially, it must describe how this will be sustained in the long term and involve residents in the governance arrangements. It should also outline how the phased delivery of open space will align with house occupancy, and that all of the natural open space will be fully completed and available for use prior to occupation of 75% of the dwellings.
52. In accordance with policies 13.2 and 28.2 of the Local Plan, a planning condition is recommended to secure the on-site provision and a S106 agreement is recommended to secure the off-site contributions.

#### **Habitat Regulations Assessment:**

53. The application site is within the zone of influence for the Fal and Helford Special Area of Conservation (SAC) as it is located within the 12.5km radius surrounding the

SAC. Policy 22 of the Cornwall Local Plan, 'European Protected Sites– mitigation of recreational impacts from development' is therefore applicable. Article 6(3) of the Habitats Directive requires that any development, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other developments, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. Being within the identified zone of influence (as indicated within the European Sites Mitigation Supplementary Planning Document) the development does have the potential to affect its interest features.

54. In view of the proximity to the Fal and Helford SAC, the development would give rise to potential recreational pressures, when considered cumulatively with other consented development within the zone of influence. The European Sites Mitigation SPD is referred to which advises that, within the zones of influence, financial contributions of £352 per dwelling, towards the delivery of the Strategic Access Management and Monitoring (SAMM) are appropriate and can ensure likely significant effects are avoided. The financial contribution as above would be required and would be confirmed through an associated legal agreement. This process is accepted within the European Sites Mitigation SPD which the Council has agreed with Natural England.

#### **Ground Conditions:**

55. The site lies within a historic mining area, as is much of the area within and surrounding Camborne, where such practices and related infrastructure were widespread. Within Troon, there has been an incidence of subsidence and collapse of an adit which has subsequently been repaired and is the subject of regular checks. The potential of mining related features, including the presence of widespread made ground/mine spoil, suspected mine shaft on site and former quarries, were identified as part of the Phase I Assessment that accompanied the previous submission which considered a significantly larger site area.
56. Significant assessment has been carried out to determine the ground conditions on the current application site which have been reported within the: Phase I Environmental Assessment produced by Parsons Brinckerhoff Ltd dated 2015; Generic Quantitative Risk Assessment Phase II, Mining Site Investigation and Percolation Test Report produced by Mining Search's UK dated January 2019; Phase 2a Geotechnical Ground Investigation produced by GeoConsulting Engineering Ltd dated 2020; Site Investigation Report produced by Mining Searches UK dated 2021; and a Water Monitoring report dated 2022.

57. As a whole, the various geotechnical ground investigation across the area proposed to be developed for housing comprised: trenching, trial pitting, rotary open hole boreholes, groundwater monitoring and geotechnical analysis of soils. Out of 9 trenches dug and investigated across the site, no significant backfilled mining features, ground water or evidence of mineralisation were encountered. One pit was identified which may have been an early trial or exploratory pit and was not considered to present a significant risk to the site. However, if the pit feature is close to or directly affecting any proposed foundations, it has been recommended that the pit should be excavated to a natural base and backfilled with a lean mix concrete to the underside of foundation level. The investigation intersected a backfilled pit with a base.
58. The consultants who have carried out the recent investigations consider the risk of finding mining features during construction to be low, although there remains the possibility that features exist outside of the area covered by the trenches. Additionally, it was recommended that all new foundations should be inspected by a suitably qualified mining engineer or geologist, which is not an unusual recommendation in locations such as this.
59. Further investigation is required to determine the extent of contamination across the area proposed for the new residential development. This, along with any remediation and verification deemed necessary, can be secured by planning conditions, as recommended by the consultee in Public Protection.

**Flood Risk:**

60. The application site is within Flood Zone 1 and has not been designated by the Environment Agency as having critical drainage problems. The site is within an Area Susceptible to Ground Water Flooding, comparative to a significant proportion of the county. The Planning Inspectorate, as part of the dismissed appeal, had regard to the site and the settlement as a whole being underlain with old mineworking's, with precise details of which being unrecorded, noting the identification of potential unrecorded mining features within the site, together with the issues of subsidence within the locality. These matters were considered alongside the flooding incidences within Troon, due to surface water and the surcharging of the combined foul and storm sewer and resulting inundation of properties by water. The Planning Inspector concluded that increased flood risk could be induced in areas close to the site by water escaping from infiltration lagoons or individual soakaways, and only a finite number of borehole investigations could be reasonably required, which could not ensure, with absolute certainty, that no water would escape from the proposed development into unrecorded underground mineworking's. As a result, the Planning Inspector concluded that the sequential test should be undertaken, and as it had not been, found conflict with the Local Plan in respect of flooding.

61. Paragraph 163 of the Framework advises that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 advises that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Set out in paragraph 164, to pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
62. Being mindful of the flooding events within Troon, resulting from the surcharging of the public combined foul and storm sewer, the drainage proposals within this application seek to direct surface water and storm water from the development into soakaways, and therefore do not include discharging surface water to either public combined foul, or storm sewer. As set out above, in recent years following the dismissed appeal, further investigation into the ground conditions within the area proposed for residential development has been carried out, with no significant risks of mining features having been identified. In addition to the percolation testing and borehole monitoring carried out to inform the submission, further borehole monitoring was carried out over a sustained period at the request of the Local Lead Flood Authority, who, based on the results, is satisfied that the groundwater levels found on site should not pose a risk to the infiltration systems proposed.
63. Additionally, in accordance with the comments from the Planning Inspectorate, a sequential test has been carried out and submitted. The Community Network Areas (CNA) identified within the Local Plan are typically the only mechanism available that can be used for the distribution of new housing. As such, the CNA's should normally be used as the search area when applying the sequential test: this site is within the Camborne, Pool, Illogan, Redruth CNA. However, the aim of the sequential test is to ensure that the location proposed is the best for the type of development proposed from a flood risk perspective. Consideration must be given to the benefits that the development might bring which outweigh potential flood risks. In this case, the proposal is for a 100% affordable housing scheme and the housing need is assessed against the need identified within the individual towns and parishes. Taking a pragmatic approach, the sequential test in this case is applicable to the Parish of Camborne, a smaller area in comparison the CNA.

64. The LLFA, having considered the results of the sequential test, confirm that a systematic approach has been taken which is confirmed in Table 1 Assessment Criteria. Although it is acknowledged that the assessment could have included the impact of historic flooding events, this is not practicable due to limited data. The sequential test is considered supportive of the scheme, taking into account, amongst other things, the scale and density of the development proposed, the existing flood risk constraints and proximity to known shafts.
65. The proposal to provide 30 affordable rented dwellings, with no open market land take, would provide wider sustainability benefits to the community that outweigh the flood risk which has been subject to significant investigation. As with any development in this wide stretched historical mining area, it has been demonstrated, as far as practicable, that the development will be safe for its lifetime taking account of the vulnerability of its users, without resulting to any significant contributions to existing flood risk within the locality. In accordance with the recommendations of the LLFA, extensive conditions have been recommended to secure a suitable scheme for surface water drainage, including an additional 50% allowance within the capacity of the scheme to account for climate change.
66. With regard to foul water drainage, foul water generated within the development is proposed to be drained via gravity sewers to a foul pumping station located in the south-western part of the site, and then pumped to the public foul sewerage network in Polgine Road. Recent changes to the application and charging process introduced by Ofwat mean that SWW no longer review sewer capacity and are obliged to fund any improvements required to the network from the infrastructure charge imposed on any development within their area of operation. Therefore, there is low risk of flooding from sewers as a result of this specific development because capacity must be made available.

**Residential Amenity:**

67. The future occupants would benefit from a positive residential environment through the provision of reasonably sized private gardens and a good standard of internal living accommodation, and provision has been made for convenient storage and manoeuvre of waste and recycling.
68. There are three neighbouring dwellings immediately adjoining the north boundary of site known as Nos. 18, 42 and 44 occupying land stepped below the application site. Minor revisions to the scheme have been carried out to the scheme to alleviate concerns regarding the impacts of the development on the residential amenities of the adjoining residents. Notably, the dwellings in rows along the north side of the development have been moved southwards to increase the separation distances with Nos. 18 and 42; the first-floor windows within the dwellings on plots No. 5 and

6 have been omitted; and the boundary fencing to the rear of the gardens serving Nos. 6 and 7 have been set back providing separation from No. 18. The Cornish hedge along the north boundary of the site, shared with the neighbours, is proposed to be retained and enhanced with infill planting, and a 1.5m post and wire fence erected inside along the boundary. There would also be 1.8m close board fencing enclosing the proposed rear gardens.

69. The section drawing ref. 190622 SE 02 04 demonstrates how the existing Cornish hedge, with infill planting, would mitigate much of the overlooking impacts into the south-facing windows serving Nos. 18 and 42 due to southern elevations being situated in close proximity to the shared boundary. It is of note that a boundary fence not exceeding 2m in height could be erected at any time without express planning permission by virtue of the permitted development rights contained within the Town and Country Planning (General Permitted Development) Act 2015 (as amended), despite residents having reduced areas of the existing boundary to increase light into their properties and provide views across the fields.
70. Plots Nos. 6 and 7 have been designed with no first-floor rear windows to avoid any overlooking of No. 18. The rear first-floor windows in plot No. 5 would look down towards the openings in the south of No. 18; however, in view of the minimal proximity of the south elevation of No. 18's extension, which contains a large window providing views across the application site, with the existing boundary, the overlooking impacts would not be significant. The additional views over No. 18's south side would be more angular, avoiding significant direct window to window overlooking impacts. Plot No. 8 would directly overlook No 18's rear garden, but at a distance of some 13m, which is not unreasonable in a residential area such as this.
71. No. 42 has a large single-storey extension with windows in its south elevation which almost immediately adjoins the shared boundary. The additional planting and new boundaries would obscure much of the direct views from the first-floor rear windows from Plots 9 and 10 achieved at a distance of approx. 14m. The south window in the original part of No. 42 has a more angular relationship with Plots No. 12 and 13, and the window to window overlooking would be at a greater distance of 18m.
72. A conservatory has been erected to the south side of No. 44, which is not shown on the block plans, and this dwelling is set at a low level in comparison to the application site as it rises eastwards. The proposed dwelling adjoining No. 44 is plot 14, a single-storey dwelling with a bathroom and a bedroom window facing towards No. 44. The bedroom window would largely overlook the driveway serving No. 44 with angular views towards the conservatory. Additional planting would be required along the north boundary to avoid overlooking impacts from Plot 14's rear garden into No. 44's conservatory.

73. With regard to overbearing and overshadowing impacts, despite the differences in land levels and the orientation of the site, to the south of its immediate neighbours, the distances from the dwellings on plots 5 – 13 are sufficient to avoid any significant loss of light or sense of enclosure experienced from Nos. 18 and 42, and this includes impacts to the solar panels on the southern roof slopes of these neighbours. Plot 44 and No. 14 have a closer relationship, with the separation distance being some 9m from the north elevation of the new dwelling and No 44's conservatory. However, the new dwelling on this plot is single-storey, set back by the boundary by approx. 7.2m and its roof would slope away from its neighbour. Whilst there would be additional loss of light and outlook resulting from the new boundary features, a 2m boundary could be erected as set out previously.
74. The noise associated with the use of the proposed development would be comparatively different to that of the existing redundant agricultural land. The proposed residential use is not however considered to risk unreasonable harm in terms of noise, odour or general disturbance. It is likely that there would be some disturbance during the construction phase; however, this would be temporary and there is not considered to be reason to believe that such impacts would be unreasonable or excessive. A construction management plan is recommended to be sought by condition in the event of approval.

#### **Infrastructure and Contributions:**

75. The scheme comprises 100% local needs affordable homes and therefore there is no requirement for the scheme to contribute towards education or health infrastructure as it is aimed to provide housing for existing residents in the area. NHS Primarycare have retracted their original consultee comments, whereby a contribution to healthcare was sought, following acknowledgment of the nature of the proposal. The Highway Officer also not sought any contributions in relation to transport/highways.

#### **Housing Crisis:**

76. 'Securing Homes for All: A plan to respond to Cornwall's Housing Crisis' was considered by Cabinet on 15th December 2021. Cabinet resolved that the plan be agreed and implemented in order to advance the outcome of 'A Secure Home for All'. The plan recognises that Cornwall is experiencing a housing crisis and sets out a number of objectives and interventions to respond to it. Four main objectives are proposed in respect of homelessness prevention, increased availability of homes for local residents, a step-change in affordable housing provision and assuring delivery of the new homes needed under the Local Plan. For each of these objectives a number of interventions are proposed to be taken forward together with partners,



local councils and communities to both respond to the immediate challenges residents face and to set in train more fundamental changes to address the roots of the housing crisis.

77. The plan sets out that the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) continues to establish an up-to-date level of housing supply as required and contains sufficient flexibility to deliver a range of affordable housing projects. However, in light of the current housing challenges, it is appropriate to consider what can be done to increase housing supply and enable the Council to remain flexible and react to changing circumstances. This plan is a material planning consideration in applications relating to the delivery of housing. The benefits of the proposal in terms of its response to the housing crisis are set out below.
78. The current proposal would respond to the housing crisis by increasing the supply of housing, improving the availability and access to homes and enabling the delivery of the housing targets within the Local Plan.

#### **Planning Balance:**

79. Whilst the local community understandably have concerns regarding local infrastructure, there is a clear and significant need for affordable housing that this development would contribute towards. By reason of the furthered detailed investigation into the ground conditions, together with the sufficient off-street parking provisions provided, the flood risk and highway safety concerns do not amount to clear justification for the refusal of the application.

#### **Planning Conditions/Legal Obligations:**

80. A Section 106 legal obligation is required to ensure the provision of the affordable housing and the off-site open space contribution. Contributions for the Fal and Helford SAC should also be confirmed through the legal obligation.
81. Conditions are recommended to include the statutory time limit for commencement and to ensure the development is carried out in accordance with the approved plans.
82. Conditions are required to determine the risks of any potential ground contamination and secure any remediation and verification deemed necessary. Sufficient investigation into the ground stability has been carried out, but as a precautionary approach, a condition is recommended to secure an inspection of the footings of the new dwellings. A condition is recommended to secure an archaeological watching brief in case archaeological features are discovered during the construction works. All construction work, which have potential to result in

noise, disturbance, dust and highway impacts, are recommended to be controlled through the submission of a construction management plan, secured by a condition. A detailed scheme for surface water drainage is recommended to ensure that risks are minimised and construction working practices do not result in increased risks and to secure the ongoing maintenance of the drainage systems; a further condition is required to secure the final details and continued maintenance of the foul water drainage system including the proposed pumping station.

83. In view of the amendments to the plans resulting in minor revisions to the schemes that have not been reflected in the plans included in all of the reports submitted, and to ensure that all boundary treatment including sufficient landscaping is in place to avoid impacts on immediate neighbours, conditions are required to secure the final schemes for landscaping and boundary treatment. An additional condition is recommended to prevent new openings in two of the dwellings to avoid increased overlooking impacts. Conditions are also required to secure sufficient working practices to avoid significant risk to protected species and ensure sufficient ecological enhancements are in place, including a condition to secure the final scheme of lighting to avoid ecological harm.
84. Conditions are required to secure the final schemes to achieve 10% BNG and sufficient levels of natural public open space, with sufficient designs and long term management plans to ensure both objectives are not to the detriment of one another.
85. Conditions are required to secure the construction details and final design of the estate road and associated infrastructure, and a condition is required to secure samples of the materials used on the exterior of the new dwellings.

|                           |
|---------------------------|
| Climate Change Emergency: |
|---------------------------|

86. In light of the Cabinet unanimously approving the Council's plan to tackle the climate emergency and help Cornwall achieve carbon neutrality, it is necessary to consider the climate change implications of the proposed development. The Council has developed and submitted for Examination in Public a Climate Emergency Development Plan Document, which provides new policies and additional detail on existing Local Plan policies to address the climate and biodiversity emergencies. The document sets a direction of travel for the Council in addressing climate change within planning decisions and the policies within it can be given some weight, where there are no unresolved objections. This means that positive weight may be given to proposals that comply with their requirements, and some policies which extend our existing Local Plan policies may support a refusal, but the policies will not be used as a sole reason for refusal at this stage

87. The developer(s) is encouraged to use low carbon, sustainable and best practice building methods in the construction of the dwellings to ensure that they are as energy-efficient as possible, in light of the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint.

|                 |
|-----------------|
| Recommendation: |
|-----------------|

Approve subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application."

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
  - ' human health;
  - ' property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - ' adjoining land;
  - ' ground waters and surface waters;
  - ' ecological systems; and
  - ' archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

4. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

5. The approved remediation scheme in condition 4 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

7. A) No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site, in accordance with policy 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 205 of the National Planning Policy Framework 2021.

8. Prior to the commencement of the development hereby approved, details of the finalised scheme for the provision of the management of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
  1. Details of the surface water drainage design including calculations, layout and bespoke surface water drainage solutions (based on the findings of the site investigations and groundwater monitoring). The surface water drainage solutions must fully manage the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change;
  2. Infiltration should be used as the preferred method of surface water disposal;
  3. Exceedance flows, so far as it is practicable, must be managed within the site;
  4. A minimum factor of safety of 5 must be applied;
  5. A Construction Surface Water Management Plan must be provided;
  6. A Construction Quality Control Procedure must be supplied;
  7. A plan indicating the provisions for exceedance pathways and overland flow routes and mitigation measures;
  8. A timetable of construction including a plan indicating the phasing of development and the implementation of the drainage systems;
  9. The Surface Water Drainage Systems Operation and Maintenance Manual must be provided to confirm who will maintain the surface water drainage systems, a plan and schedule for the future maintenance and management, including responsibilities for the drainage and any overland flow routes.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The approved scheme shall be implemented in accordance with the agreed timetable and shall be managed and maintained in accordance with the approved details for the lifetime of the development. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

Reason: To prevent the increased risk of flooding within and off site, and minimise the impact of surface water within and resulting from the development on the area, and manage the potential pollution risk to surface water, by ensuring the provision of a satisfactory means of surface water control and disposal, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

9. In respect of condition 8, the Construction Phase Surface Water Management Plan shall include:
1. Areas proposed for infiltration systems e.g. soakaways must be fenced and protected from compaction during the construction phase. A plan clearly indicating the extent of the fenced areas must be included;
  2. Construction Phase Surface Water Management Plan for each phase of construction. This must clearly identify how surface water runoff from the site and the effects of silt and surface water on land, adjacent property, and the highway will be mitigated and managed throughout the construction period;
  3. Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, bunds and trenches;
  4. Construction Phasing Plan;
  5. Construction Site Plan showing compounds, material storage areas, temporary vehicle parking areas.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

10. In respect of condition 8, the Construction Quality Control Plan shall include:

1. Procedures used to ensure that the quality of contractors and subcontractors' workmanship is in accordance with the approved design;
2. Details of the proposed storage and use of materials which must be in accordance with the manufacture's recommendations and specifications;
3. Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design;
4. Details of how inspections, non-compliances and corrective actions will be recorded.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water control and disposal during construction and implementation, in accordance with policies 16 and 26 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

11. In respect of condition 8, the Surface Water Drainage Systems Operation and Maintenance Manual shall include:
  1. A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks;
  2. A plan showing the location of all SuDS components within and serving the development including inlets and outlets. Each component must have a unique reference;
  3. Confirmation of who will adopt, operate, manage and maintain each SuDS component;
  4. Maintenance trigger requirements, including visual indicators for silt removal;
  5. A description of the proposed maintenance activities and a log of the activities;
  6. Maintenance Schedule identifying regular and occasional maintenance and remedial actions;
  7. Details of the maintenance access routes and easements.

The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the implemented surface water drainage systems are managed and maintained for the lifetime of the development, in accordance with policies 16 and



26 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 152, 167, 174 and 185 of the National Planning Policy Framework 2021.

12. No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- i) construction vehicle details (number, size and type);
- ii) vehicular routes and delivery hours;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing of the development;
- vi) wheel washing facilities; and
- vii) measures to control the emission of dust and dirt during construction.

Reason: In the interests of the occupants of neighbouring dwellings and to maintain a safe and efficient highway network, in accordance with the aims and intentions of policies 12, 13, 16 and 27 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 110, 130, 174, 185.

13. The development hereby permitted shall not commence until a scheme to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time. The Biodiversity Management Plan shall include:

- Proposals for on-site biodiversity net gain;
- A management and monitoring plan for any Biodiversity Net Gain (BNG) including 30 year objectives, management responsibilities and maintenance schedules, monitoring and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. (excluding privately owned, domestic gardens).

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: In the interest of ensuring measurable net gains in biodiversity, in accordance with policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 174, 179 and 180 of the National Planning Policy Framework 2021. A pre-commencement condition is required as ensuring bio-diversity net gain is critical to the acceptability of the scheme and measures to ensure these gains should be agreed prior to any works which may impact upon the site.

14. No development shall commence until an open space delivery plan has been submitted to and approved in writing by the Local Planning Authority. The delivery plan shall demonstrate how the scheme provides no less than 600m<sup>2</sup> of type 2 natural public open space and is sustainable for the long term, including the detailed design specifications and any associated landscaping schemes, the associated maintenance/management requirements and estimated costs. The details shall include a timetable for its delivery including confirmation that the type 2 natural public open space shall be fully complete and available for use prior to occupation of 75% of the dwellings hereby approved. The type 2 natural open space shall be delivered in accordance with the agreed details and maintained in accordance with the agreed details thereafter.

Reason: To provide a sufficient level of public open space in the interests of the health and well-being of the residents of the approved scheme, in accordance with policies 13 and 25 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 84, 93 and 130 of the National Planning Policy Framework 2021.

15. Notwithstanding the details included on the plans hereby approved, the development shall not commence until a scheme of landscaping, to include boundary treatments (means of enclosure), has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall provide:

- Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;
- Full schedule of plants;
- Details of the mix, size, distribution and density of all trees/shrubs/hedges;
- Cultivation proposals for the maintenance and management of the soft landscaping;
- Timetable for all planting, seeding and turfing;
- The proposed height, siting, appearance and construction of all boundary treatments (means of enclosure);
- Hard surfacing materials;
- Minor artefacts and structures (e.g. furniture, play equipment, signs);

- Areas of pedestrian access.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in accordance with the timetable so agreed. The approved boundary treatments (means of enclosure) in relation to each plot shall be completed in accordance with the approved details prior to the first occupation of that plot, and retained as such thereafter.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted. The boundary treatments (means of enclosure) shall not thereafter be altered or removed, other than by necessary replacement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology, visual and residential amenity, in accordance with the aims and intentions of policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 130, 174 and 179 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure appropriate protection measures for trees and hedgerows are in place prior to development starting, which would otherwise risk harm during construction.

16. The development hereby approved shall not commence until details, including plans and sections indicating the design, layout, levels, gradients, materials and method of construction of the estate road and their junctions, footways, surface water drainage, street lighting and means of access to the proposed dwellings, have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the estate road and associated works aforementioned have been constructed and completed in accordance with the agreed details.

Reason: To ensure the formation of a satisfactory estate road layout and pedestrian infrastructure in accordance with policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 110 of the National Planning Policy Framework 2021.

17. The development hereby approved shall be carried out in accordance with sections 5.2 and 5.3 of the Ecological Impact Assessment ref. 1239-EcIA-AE dated August 2021 prepared by GE Consulting. No development shall commence above damp-proof course level until details of the specifications and locations of 15no. bat boxes, 15no. bird boxes, and 30no. bee bricks which shall be integrated into the dwellings hereby

approved have been submitted and approved by the Local Planning Authority. The development shall then be completed in accordance with the agreed details.

Reason: In the interests of biodiversity and ensuring the development avoids unreasonable ecological impacts, in accordance with policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021.

18. Prior to the first installation of the materials to the exterior of the dwellings hereby approved, details including photographic samples of the stone cladding, slate hanging, and roof finishes shall be submitted to and approved in writing by the Local Planning Authority. Before the first occupation of any of the dwellings hereby approved, the exterior finish of the dwelling shall be completed in accordance with its corresponding elevation plan hereby approved and with the said details to be subsequently approved.

Reason: In the interests of visual amenity, in accordance with policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 130 and 174 of the National Planning Policy Framework 2021.

19. The development hereby permitted shall not be occupied until the foul water pumping station, including any means of enclosure, as indicated on approved plan reference 190622 L 02 01 Rev. F has been installed and completed in accordance with full details which shall first have been submitted to and approved in writing by the Local Planning Authority. Details shall include elevation/block/section plans and a maintenance schedule.

Reason: In the interests of visual and residential amenities, in accordance with policies 12, 16 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 130 and 185 of the National Planning Policy Framework 2021.

20. The development hereby approved shall be carried out in accordance with the recommendations included within Section 8. 'Conclusions' of the Site Investigation Report, Report Ref: GM/RH/264688.SI, produced by Mining Searches UK dated 26<sup>th</sup> March. If instability is identified during construction works, a scheme for on-site investigations, an assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings when the site is developed, shall also be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.

Reason: In the interests of public safety and the residential amenities of future occupiers, in accordance with the aims and intentions of policy 16 of the Cornwall Local

Plan Strategic Policies 2010 - 2030 and paragraphs 174, 183, 184 and 185 of the National Planning Policy Framework 2021.

21. With the exception of the streetlight secured by condition 15, there shall be no external lighting installed in relation to the development hereby permitted, other than that which accords with details within a lighting scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall take account of advice with the submitted Ecological Impact Assessment ref. 1239-EclA-AE dated August 2021 prepared by GE Consulting. The development shall be carried out in accordance with the approved details and shall thereafter be retained without alteration, unless the lighting is removed. No further external lights shall be installed without the further written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in the interests of minimising potential impacts on bats, preventing light pollution and harm to the rural character of the area in accordance with policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraphs 174, 179 and 185 of the National Planning Policy Framework 2021.

22. Prior to the first occupation of any of the dwellings hereby approved, the parking spaces allocated to that dwelling shall be laid out and constructed in accordance with drawing No. 190622 L 02 04 rev. F; the parking bays shall not thereafter be obstructed or used for any other purpose.

Reason: To ensure adequate parking facilities off the adjoining highway and in accordance with policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 110 of the National Planning Policy Framework 2021.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no new openings above ground level shall be added to the north elevations of the dwellings on plots Nos. 6 and 7, as indicated on drawing No. 190622 L 02 01 Rev. F.

Reason: In the interests of the residential amenities of the occupants of neighbouring dwelling, in accordance with policy 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and paragraph 130 of the National Planning Policy Framework 2021.

## APPENDIX 3

# South Cambridgeshire Rural Exception Site Examples

## Extract from Council Website

<https://www.scambs.gov.uk/housing/housing-development/rural-exception-sites/>

### Heslerton Way, Barrington



This site was completed in March 2012.

During development, [Hundred Houses](#) worked closely with The Barrington Green Charity and negotiations granted half an acre of the village green to add to the 1.8 acres already held.

After building 39 affordable homes around the village green, already the longest in England, an extension was added. In addition, a complex village green de-registration land swap was arranged, and the open space was transferred to the Parish Council.



| Type of property   | Rented | Shared Ownership |
|--------------------|--------|------------------|
| 1 bedroom flat     | 5      | 0                |
| 2 bedroom flat     | 8      | 0                |
| 2 bedroom house    | 0      | 2                |
| 3 bedroom house    | 10     | 9                |
| 4 bedroom house    | 1      | 0                |
| 2 bedroom bungalow | 4      | 0                |
| Total              | 28     | 11               |

## APPENDIX 4





Legal & General Affordable Homes  
12 Red Lion Building  
London  
EC1A 9BU

Jonathan Davies  
Lambridge Place Developments Ltd  
19 Lambridge Place  
Larkhall  
Bath  
BA16RU

Date: 22/05/2023

Dear Jonathan,

**Subject to contract**

Thank you for the opportunity to see your site in Long Ashton.

I can confirm that the site is of interest to L&GAH. We are a for profit Registered Provider and a member of the Homes West Partnership. Our strategy is to deliver social/affordable rent and shared ownership across the country. In the south west, including the Homes West area, our aim is to deliver approx. 450 homes per annum. Whilst the final mix is to be determined, we very much see Long Ashton as an area which would very much fit our strategy. We don't offer homes for sale other than the shared ownership product so I am confident we could deliver the whole site for Affordable markets.

We are a Homes England strategic partner with approved grant for circa 1800 homes roughly 50/50 split rent to shared ownership. Our HE funding is expected to be in contract in the next few weeks. Just for your information, we do not manage/maintain our homes directly but have a suite of 14 Management Providers across the country who do so on our behalf. In the South West the MP would be Stonewater.

In terms of next steps, we have a robust Scrutiny process which the scheme would have to be presented to, followed by our OpCo Investment Committee. We would be delighted to provide a financial offer in due course.

Best wishes,

**Ben Cane**

**Head of Development - South West**

[ben.cane@landgah.com](mailto:ben.cane@landgah.com)

020 7038 0132




Legal & General Affordable Homes 12 Red Lion Buildings, London EC1A 9BU

[www.landgah.com](http://www.landgah.com)

*Our Ref: Land South of Warren Lane, Long Ashton*

22nd May 2023

Shannon Way,  
Ashchurch,  
Tewkesbury,  
Gloucestershire,  
GL20 8ND

 [bromford.co.uk](http://bromford.co.uk)  
 [@Bromford](https://twitter.com/Bromford)  
 [/thisisbromford](https://www.facebook.com/thisisbromford)

Dear Jonathan,

**RE: Letter of Interest – Subject to Contract**  
Land South of Warren Lane, Long Ashton

We are writing to confirm our interest in acquiring the freehold interest in the site known as Land South of Warren Lane, Long Ashton, subject to receiving satisfactory planning permission.

The site falls within one of our key strategic areas and meets our necessary amenity requirements. We would be grateful if you could keep us updated with the latest planning movements.

### **Bromford Financial Strength**

Bromford have secured £1.5 billion of funds to enable 14,000 homes being built over the next ten years. Our very robust internal policies regarding liquidity mean that we retain access to cash of £25m within 2 business days at all times and hold at least 18 months' worth of facilities to cover forecast spending plus a buffer of an additional £25m to cover unforeseen opportunities.

We can therefore confirm that we have the necessary funding available to finance the purchase of land and we are not reliant on any external financing bodies for approval.

Do let me know if you have any further questions, otherwise I look forward to hearing from you soon with an update.

Yours sincerely,

Giles Spencer

Senior Land Manager (Southern)

Sent Via Email

|                  |               |             |       |
|------------------|---------------|-------------|-------|
| Job No./File Ref | 21077_U04_012 | Revision    | -     |
| Date of issue    | 23-05-23      | Status      | Final |
| Prep by          | MC            | Designed by | -     |
| Authorised by    | MC            | File Path   | -     |

**If you require a large print version of this document, please contact  
Nash Partnership**

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